



Zoning & Planning Committee **Agenda**

City of Newton **In City Council**

Monday, June 13, 2022

6:30 PM-PLEASE NOTE EARLY START TIME
Council Chambers (Room 207)/Room 204

The Zoning and Planning Committee will hold this meeting as a hybrid meeting on Monday, June 13, 2022 at 6:30 PM that the public may access in-person or virtually via Zoom. To attend this meeting via Zoom use this link: <https://us02web.zoom.us/j/89124876347> or call 1-646-558-8656 and use the following Meeting ID: 891 2487 6347.

Items Scheduled for Discussion:

- #281-22** **Appointment of Lee Breckenridge to the Planning & Development Board**
HER HONOR THE MAYOR appointing Lee Breckenridge, 173 Berkeley Street, Newton as a full member of the Planning and Development Board for a term of office to expire on February 1, 2027. Ms. Breckenridge is currently serving as an Alternate member from August 9, 2021 to July 31, 2026. (60 Days: 07/01/22)
- #282-22** **Appointment of Amy Dain to the Planning & Development Board**
HER HONOR THE MAYOR appointing Amy Dain, 9 Frederick Street, Newton as an Alternate member of the Planning and Development Board for a term of office to expire on July 31, 2026. (60 Days: 07/01/22)
- #320-22** **Appointment of Harvey Schorr to the Newton Historical Commission**
HER HONOR THE MAYOR appointing Harvey Schorr, 106 Bellevue Street, Newton as a full member of the Newton Historical Commission for a term of office to expire on June 21, 2025. Mr. Schorr is currently serving as an Alternate member from February 22, 2022 to March 30, 2025. (60 days: 08/05/22)

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.

7:00pm Public Hearing

#279-22 Request for amendment to the Zoning Code to regulate certain signage
HER HONOR THE MAYOR requesting amendments to the City of Newton Zoning Ordinance, Chapter 30, Section 5.2 Signs regarding regulation of noncommercial signs.

Zoning & Planning Held 7-0 (Councilor Albright not voting) on 05/09/22

#38-22 Discussion and review relative to the draft Zoning Ordinance regarding village centers

ZONING & PLANNING COMMITTEE requesting review, discussion and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)

Zoning & Planning Held 7-0 on 06/01/22

Chair's Note: *This item needs to be sent back to Council to be properly referred to both the Finance and Public Facilities Committees.*

Referred to Zoning & Planning and Finance Committees

#336-22 CPC Recommendation to appropriate \$133,002 in CPA funding
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of one hundred thirty-three thousand and two dollars (\$133,002) in Community Preservation Act funding be appropriated from the Unrestricted Prior Year Funds to the control of the Planning & Development Department for the completion of the 100% design of the Commonwealth Avenue Carriageway Redesign project in Auburndale.

#283-22 Reappointment of Paul Snyder to the Newton Upper Falls Historic District Commission

HER HONOR THE MAYOR reappointing Paul Snyder, 9 Ardmore Road, West Newton as a full member of the Newton Upper Falls Historic District Commission for a term of office to expire on July 1, 2025. (60 Days: 07/01/22)

Respectfully Submitted,

Deborah J. Crossley, Chair



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#281-22

Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email
rfuller@newtonma.gov

April 19, 2022

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

To the Honorable City Councilors:

I am pleased to appoint Lee Breckenridge of 173 Berkeley Street, Newton 02465 as a full member of the Planning and Development Board. Her term of office shall expire on February 1, 2027 and her appointment is subject to your confirmation. Ms. Lee Breckenridge is currently serving as an Alternate member from August 9, 2021 to July 31, 2026.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

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2022 APR 25 PM 4:24
CITY CLERK
NEWTON, MA. 02459

Application Form

Profile

Lee P Breckenridge
First Name Middle Initial Last Name

[Redacted]
Email Address

173 Berkeley St
Home Address Suite or Apt

Newton MA 02465
City State Postal Code

What Ward do you live in?

[X] Ward 3

[Redacted] [Redacted]
Primary Phone Alternate Phone

Northeastern University School of Law Professor of Law Emerita
Employer Job Title

Which Boards would you like to apply for?

Planning and Development Board: 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 writing to express my interest in serving as an alternate member of the Planning and Development Board. I have been a resident of Newton since 1990, and I have followed with interest the city's initiatives in planning and zoning over the years. In my professional life, I have expertise in land use law, as well as state and federal environmental protection and natural resources management requirements. I recently retired from a tenured faculty position at Northeastern University School of Law, where I taught Land Use as well as courses in Environmental and Natural Resources Law. I have paid close attention to zoning reform initiatives, permit processes, affordable housing developments, transitions to alternative energy sources, and watershed restoration efforts in municipalities throughout the greater Boston metropolitan area, as I have supervised numerous student research and writing projects. I currently serve on the advisory boards of the Newton Conservators and the Charles River Watershed Association. I know that Newton's ongoing planning initiatives and zoning decisions will affect the quality of life and the landscape here for years to come. I hope that my experience in relevant areas of legal practice can contribute meaningfully to deliberations and recommendations by the Planning and Development Board.

LEE P. BRECKENRIDGE

Professor of Law Emerita
Northeastern University School of Law
416 Huntington Ave., Boston, MA 02115

Home address: 173 Berkeley St.
Newton, MA 02465

e-mail: [REDACTED]
tel.: [REDACTED]

Professional Experience

Northeastern University School of Law
Professor of Law Emerita, 2020 to present
Professor of Law, 1996 to 2020
Associate Dean for Academic Affairs, 2009-2011
Associate Professor of Law, 1990 to 1996
Adjunct Professor of Law, 1989

Teaching responsibilities and research focus in environmental and natural resources law, land use regulation, and administrative law. **Affiliate Professor of the School of Public Policy and Urban Affairs.** Faculty advisor and coordinator of the J.D./Master of Environmental Law and Policy (MELP) program of Northeastern University School of Law and Vermont Law School and the J.D./M.S. in Law and Public Policy program of Northeastern University School of Law and School of Public Policy and Urban Affairs. Faculty Affiliate, Northeastern University Global Resilience Institute (GRI). Member of affiliated faculty, Northeastern University School of Law, Program on Human Rights and the Global Economy (PHRGE). Faculty Associate, Business Sustainability Initiative, Northeastern University D'Amore-McKim School of Business. Member of affiliated faculty for the JD/MPH dual degree program of Northeastern University School of Law and Tufts University School of Medicine. Member of PhD Dissertation Committees, Law and Public Policy (LPP) Program (formerly Law, Policy and Society (LPS) Program) of the School of Public Policy and Urban Affairs.

Department of the Attorney General, Commonwealth of Massachusetts
Chief, Environmental Protection Division, 1986-1990
Assistant Attorney General, 1982-1990

Office of the Attorney General, State of Tennessee
Assistant Attorney General, 1978-1982

U. S. Court of Appeals for the Sixth Circuit, Honorable Gilbert S. Merritt
Law Clerk, 1977-1978

U. S. Environmental Protection Agency, Office of General Counsel, Water Division
Attorney-Advisor, 1976-1977

Education

Harvard Law School, J.D. 1976

Yale University, B.A., summa cum laude, 1973

Selected Publications

“Ecosystems, Legal Systems, and Governance: An Institutional Perspective,” in A RESEARCH AGENDA FOR ENVIRONMENTAL ECONOMICS, (Matthias Ruth ed., Edward Elgar 2020)

State Survey: Massachusetts, 4 WATERS AND WATER RIGHTS (Amy K. Kelley, ed., 3rd ed., LexisNexis/Matthew Bender 2020) (available online [4 Waters and Water Rights.syn \(2020\)](#))

Water Management for Smart Cities: Implications of Advances in Real-Time Sensing, Information Processing, and Algorithmic Controls, 7 GEO. WASH. J. ENERGY & ENVTL. L. 153 (2016)

Green Infrastructure in Cities: Expanding Mandates under Federal Law, Trends, ABA Section of Environment, Energy, and Resources Newsletter (Vol. 45, No. 6, July/August 2014)

Ecosystem Resilience and Institutional Change: The Evolving Role of Public Water Suppliers, in CITIES OF THE FUTURE: TOWARDS INTEGRATED SUSTAINABLE WATER AND LANDSCAPE MANAGEMENT (Vladimir Novotny & Paul Brown eds., 2007).

Special Challenges of Transboundary Coordination in Restoring Freshwater Ecosystems, 19 PAC. MCGEORGE GLOBAL BUS. & DEV. L.J. 13 (2006).

Maintaining Instream Flow and Protecting Aquatic Habitat: Promise and Perils on the Path to Regulated Riparianism, 106 W. VA. L. REV. 595 (2004).

Reweaving the Landscape: The Institutional Challenges of Ecosystem Management for Lands in Private Ownership, 19 VT. L. REV. 363 (1995)

Protection of Biological and Cultural Diversity: Emerging Recognition of Local Community Rights in Ecosystems under International Environmental Law, 59 TENN. L. REV. 735 (1992)

Recent Presentations (selected)

Law in Global Political Economy: Heterodoxy Now, conference of the Harvard Law School Institute for Global Law & Policy, moderator of session on Historical and Present Legal Frameworks for Natural Resources in the Global South, Harvard Law School, Cambridge, Massachusetts, June 3, 2018.

Myra Kraft Open Classroom, Fall 2017 lecture series on Boston in 2030, “Urban Adaptation to Climate Change,” in session on Climate-Ready Boston, Oct. 18, 2017.

Sustainability Conference of American Legal Educators (SCALE), “Renewable Energy, Distributed Generation and Storage, and a Sharing Economy,” Arizona State University, Phoenix, Arizona, May 12, 2017.

Northeastern University, Center for Law, Innovation, and Creativity (CLIC), conference on Connected Futures: Next Generation Questions for a Just World, organizer and moderator of panel on Renewable Energy, Resilience and Innovation, Boston, May 1, 2017.

Seventh Annual Colloquium on Environmental Scholarship, “Innovative Communication Technologies and Evolving Property Relationships in Resource Management,” Vermont Law School, South Royalton, Vermont, September 23-24, 2016.

Association for Law, Property and Society (ALPS), “Smart Communication Technologies and Evolving Public/Private Relationships in Natural Resource Management,” Queens University, Belfast, Ireland, May 20-21, 2016.

Program on Human Rights and the Global Economy (PHRGE), 10th Annual Human Rights Institute: Tapping Into the Human Right to Water: Affordability, Quality, Accessibility, introductory remarks and introduction of keynote speaker, Boston, MA, Nov. 5, 2015.

Sustainability Conference of American Legal Educators (SCALE), “Resilient Cities and the Challenges of Urban Water Management,” presentation, panel on “Climate Change Adaptation and Resilience,” Arizona State University, May 8, 2015.

Annual Meeting of the Association for Law, Property, and Society (ALPS), “Institutional Cognition and Urban Resilience,” presentation, panel on “The Changing Landscape,” University of Georgia, Athens, Georgia, May 1, 2015.

J.B. and Maurice C. Shapiro Symposium on Advanced Monitoring, Remote Sensing, and Data Gathering, Analysis and Disclosure in Compliance and Enforcement, presentation on “Implications of Advanced Sensing and Networking Technologies for Designing and Implementing Resilient Water Management Requirements,” George Washington University Law School, Washington, D.C., March 26-27, 2015.

Northeastern University School of Law, Lawyering for the Sustainable City Conference, program organizer and moderator, March 21, 2014.

Northeastern University, Myra Kraft Open Classroom, Challenges of Water, Spring Semester 2014, co-instructor.

Bar Admissions

Admitted to practice law in the state courts of Massachusetts and New Jersey; state courts of Tennessee (inactive status); the United States District Courts for the District of Massachusetts, the Middle District of Tennessee, and the District of New Jersey; the United States Court of Appeals for the First Circuit; and the United States Supreme Court.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#282-22

Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email
rfuller@newtonma.gov

April 19, 2022

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

To the Honorable City Councilors:

I am pleased to appoint Amy Dain of 9 Frederick Street, Newton 02460 as an Alternate member of the Planning and Development Board. Her term of office shall expire on July 31, 2026 and her appointment is subject to your confirmation. Ms. Amy Dain will be completing Ms. Lee Breckinridge's term ending July 2026.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

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2022 APR 25 PM 4:24
CITY CLERK
NEWTON, MA, 02459

Application Form

Profile

Amy _____ Dain _____
First Name Middle Initial Last Name

Email Address

9 Frederick St _____
Home Address Suite or Apt

Newton _____ MA _____ 02460 _____
City State Postal Code

What Ward do you live in?

Ward 2

Primary Phone Alternate Phone

Dain Research _____ Consultant _____
Employer Job Title

Which Boards would you like to apply for?

Newton Affordable Housing Trust: 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 grew up in Newton, and now my kids are attending the same schools I went to, and my parents live around the corner. My professional work is in housing policy and I would like to help the city in this area, and to also learn from the experience on the board. I also have experience in issues of municipal public management.

DainResume2022.doc
Upload a Resume

AMY DAIN

9 Frederick Street, Newton, MA 02460

- education**
- HARVARD UNIVERSITY, John F. Kennedy School of Government** Cambridge, MA
 Master in Public Policy, 2003
 Course Assistant for *Quantitative Analysis* and *Strategic Management of Public Organizations*
 Thesis on federal regulation of municipal departments of public works
- WESLEYAN UNIVERSITY** Middletown, CT
 Bachelor of Arts in Russian and Eastern European Studies, 1996
- experience**
- 2015 - present** **DAIN RESEARCH** Newton, MA
Consultant. Researched, wrote, and presented landmark study on zoning for multi-family housing in Greater Boston, for Massachusetts Smart Growth Alliance.
- Presented findings at 25 events and meetings, with 1,300+ people in attendance
 - Published policy brief on zoning for accessory dwelling units
 - Garnered more than 40 media hits
 - Also wrote reports for Lincoln Institute for Land Policy, MassINC, MAPC, Mass Housing Partnership, and Rappaport Institute
- 2008 - 2016** **COLLINS CENTER FOR PUBLIC MANAGEMENT, UMASS BOSTON** Boston, MA
Associate. Launched and led initiative to convene hundreds of managers and analysts from city/town governments to learn from each other about using data and evidence in decision-making.
- 2004 - 2008** **PIONEER INSTITUTE FOR PUBLIC POLICY RESEARCH** Boston, MA
Project Manager. Designed and implemented first-of-its-kind research project on municipal land use regulation in Massachusetts. Authored two papers and oversaw production of four papers by outside authors.
- Presented findings at 30 events/briefings, with 1,400+ people in attendance
 - Created on-line database with answers to 130 questions about zoning, subdivision, wetlands, and septic regulations in 187 communities
 - Recruited, trained, and supervised 10 researchers, and oversaw consultants for website and database design
 - Garnered more than 70 media hits about the research
- summer 2003** **AMERICAN JEWISH WORLD SERVICE** Kharkiv, Ukraine
Group Leader. Led 26 college students on a community service mission to Ukraine.
- summer 2002** **MA EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS** Boston, MA
Rappaport Public Service Fellow. Received scholarship from the Rappaport Institute for Greater Boston to intern at Boston-based public agency.
- Designed protocol for conducting annual greenhouse gas inventories of the state Executive branch
 - Researched and wrote memos on outdoor lighting policy, performance indicators, and dioxin
- 1998-2001** **JEWISH COMMUNITY RELATIONS COUNCIL** Boston, MA
Program Coordinator. Worked with lay leaders of the Jewish community to advance domestic and international policy agenda.
- Established and organized annual Jewish Community Advocacy Day at the State House which drew over 400 participants by the third year
 - Coordinated mission to Israel for 28 Massachusetts public officials
- 1997-1998** **PROJECT OTZMA** Israel
Fellowship Recipient. Participated in Jewish leadership training program.
- 1996-1997** **MASSACHUSETTS PUBLIC INTEREST RESEARCH GROUP** Berkshires, MA
Campus Organizer and Assistant Canvass Director. Trained students in public interest advocacy. Recruited, trained, and motivated a staff of 25 political canvassers to raise approximately \$100,000.

**special
skills/
personal**

Languages: Fluent in Russian, knowledge of Hebrew

Computer skills: Word, Excel, Access, PowerPoint, (learned Stata at grad school)

Travel: Russia, Ukraine, Israel, Malaysia, Singapore, Estonia, Ireland, Germany, Jordan, Czech Republic.
Also 90+ cities and towns in Greater Boston in the last few years

Activities: Member of Rappaport Institute Board of Advisors, Falmouth Marathon Relay 2018, member of
Congregation Dorshei Tzedek, opinion writer for Commonwealth Magazine, street photography



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#320-22

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Email
rfuller@newtonma.gov

May 31, 2022

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

To the Honorable City Councilors:

I am pleased to appoint Harvey Schorr of 106 Bellevue Street, Newton 02458 as a full member of the Newton Historical Commission. His term of office shall expire on June 21, 2025 and his appointment is subject to your confirmation. Mr. Harvey Schorr is currently serving as an Alternate member from February 22, 2022 to March 30, 2025.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

CITY CLERK
NEWTON, MA, 02459

2022 MAY 31 PM 4:06

RECEIVED

Application Form

Profile

Harvey Schorr
First Name Middle Initial Last Name

[Redacted]
Email Address

106 Bellevue St
Home Address Suite or Apt

Newton MA 02458
City State Postal Code

What Ward do you live in?

[X] Ward 1

[Redacted]
Primary Phone Alternate Phone

Retired Architectural Department Mgr/Sr.
Employer Job Title
Project Mgr

Which Boards would you like to apply for?

Newton Historical 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?

As a former design professional I'm certainly familiar with the many approvals processes projects are subject to and now as a retiree I have ample time to devote. I've served in volunteer capacities before, most notably as President of the Massachusetts American Institute of Architects. At the same time, I recognize the enormous developmental pressures communities such as ours are subjected to and am eager to contribute to efforts to preserve and enhance the built environment we already enjoy.

Upload a Resume

HARVEY SCHORR
106 Bellevue Street
Newton, Massachusetts 02458-1921



REGISTRATION

Former member of the National Council of Architectural Registration Boards (NCARB No. 35588)
Previously licensed in Massachusetts, Florida, Rhode Island, Connecticut, Pennsylvania and Arizona

EDUCATION

Master of Architecture in Advanced Studies (Urban Design) - (1972)
Massachusetts Institute of Technology, Cambridge, Massachusetts

Graduate Program in Architecture - (1966-1968)
Universita' di Roma, Rome, ITALY

Bachelor of Architecture - (1966)
Massachusetts Institute of Technology, Cambridge, Massachusetts

PROFESSIONAL EXPERIENCE

NV5, Watertown and Boston, MA - (2015-2019)
Owner's Project Manager on school renovations: Stoneham, Chicopee, Boston, Newton and Worcester

FEMA, Boston, Massachusetts - (2009-2014)
Disaster Assistance Employee, Hazard Mitigation

Maguire Group Inc., Waltham and Foxborough, Massachusetts - (1982-2006)
Director of Architecture, Architectural Department Manager, Project Manager and Project Architect

Parsons Brinckerhoff Quade & Douglas, Boston, Massachusetts - (1976-1981)
Project Manager/Project Architect

Boston Architectural Center, Boston, Massachusetts - (1971-1978)
Faculty Member, Thesis Advisor, Member and Chairman of the Curriculum Committee

Joint Center for Urban Studies of Harvard and MIT, Cambridge, Massachusetts - (1972-1973)
Research Assistant

Massachusetts Institute of Technology, Cambridge, Massachusetts - (1971)
Architectural Summer Studio Instructor

William Morgan Architect, Jacksonville, Florida - (1970)
Project Architect

US Army, Engineer Construction Agency, Vietnam - (1969-1970)
Captain (USAR), Chief, Civil-Architectural Section, Engineering Branch

US Army, Corps of Engineers District Office, Jacksonville, Florida - (1968-1969)
First Lieutenant (USAR), Assistant Chief, Master Planning and Site Planning Section

Perkins & Will Partnership, Chicago, Illinois - (1965)
Clerk of the Works

REPRESENTATIVE PROJECTS

Lincoln Park, Lincoln, Rhode Island

Project Manager for several renovation and new construction projects, with over \$2.5 million in fees, including a proposed \$60 million Clubhouse planned to accommodate 2,500 video slot machines.

Pennsylvania Fish & Boat Commission, Headquarters, Harrisburg, Pennsylvania

Project Manager for an \$8 million, 50,000 sf state office and warehouse facility on a difficult sloping site also designed to implement numerous "green" initiatives.

Government Center Parking Garage, New Britain, Connecticut

Project Manager and Project Architect for a design/build \$10 million, six-story 1,500-car precast concrete parking garage as part of a new judicial complex.

Massachusetts Bay Transportation Authority, Andrew Station, Boston, Massachusetts

Project Manager for a \$30 million subway station renovation and bus shed replacement, including over \$1 million of handicapped access improvements, implemented in phases over three years.

Middlesex Community College, Bedford, Massachusetts

Project Manager for a \$23 million design/build campus expansion, including conceptual design of six new buildings, final design of the Student Union and Facilities Management Buildings, parking for 1,000 cars and more than a mile of internal roadways.

Boston Edison Company, Switching and Conversion Station #514, Boston, Massachusetts

Project Manager for an unusual \$15 million high-rise substation built over an existing one, with challenging site constraints, massive equipment loads, complex coordination requirements, and a façade complementing a late-19th century context.

GTE Mobile Subscriber Equipment Facility, Taunton, Massachusetts

Project Manager for a \$12 million, 300,000 sf office, manufacturing and R&D facility. Programming, preliminary design, and site studies were completed in nine weeks and incorporated in a design/build contract package.

Department of the Air Force, Hanscom Air Force Base, Massachusetts

Project Manager for multi-year term contracts since 1992 providing master planning for phased renovation of the Base Clinic; redevelopment of a 200-unit family housing complex; renovation of over 150 units of officer, enlisted and family housing; renovation of three 90,000 sf office buildings; and renovations of computer centers, research laboratories and utility infrastructure.

General Services Administration, Boston, Massachusetts

Project Manager for preparation of studies, funding reports, and contract documents for renovations at federal office buildings and courthouses throughout southern New England under a term contract.

Massachusetts Bay Transportation Authority, Police Headquarters, Boston, Massachusetts

Project Manager for an \$8 million conversion of an industrial building to an administrative headquarters and operations facility, including a 13-cell lock-up, for the MBTA Police.

Commonwealth of Massachusetts, Brockton Trial Court, Brockton, Massachusetts
Project Manager and Project Architect for design review services to assist the Division of Capital Asset Management in monitoring a new \$25 million design/build fast-track courthouse.

HONORS AND AWARDS

Boston Society of Architects
Build Boston Speaker and Panelist

Boston Society of Architects
Art & Architecture Award

National Endowment for the Arts
Architectural and Environmental Arts Graduate Thesis Fellowship

Fulbright-Hayes Exchange Program
Grant for Architectural Study in Italy

Perkins & Will Partnership
Fellowship Grant

Tau Beta Pi
Engineering Honorary

Graham Foundation for Advanced Study in the Fine Arts
Grant to attend the International Design Conference at Aspen, Colorado

MEMBERSHIPS

American Institute of Architects (Massachusetts Past-President and Board Member)

Boston Society of Architects

Society for Industrial Archeology

American Canal Society

#279-22



RUTHANNE FULLER
MAYOR

City of Newton, Massachusetts
Office of the Mayor

Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
rfuller@newtonma.gov

April 25, 2022

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

Councilors:

The U.S. Supreme Court has made it clear that restrictions on signs expressing non-commercial speech must be quite limited as they are expressions of free speech.

Therefore, I respectfully submit a docket item to your Honorable Council requesting amendments to sections of the Newton Zoning Ordinance that regulate signs, found in Chapter 30, Section 5.2. This amendment would address only the portion of the sign ordinance that regulates all "non-commercial" signs (i.e., election or yard sale signs).

Attached to this request is a draft redline of the proposed amendment from the Planning & Development Department team who worked with our Law Department Staff. Also attached is a memo from the Law Department regarding the legal background of the proposed amendments related to signs.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in blue ink that reads "Ruthanne Fuller".

Ruthanne Fuller
Mayor

RECEIVED
2022 APR 25 PM 5:05
CITY CLERK
NEWTON, MA. 02459

LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS
CITY HALL
1000 COMMONWEALTH AVENUE
NEWTON CENTRE, MA 02459
TELEPHONE (617) 796-1240
FACSIMILE (617) 796-1254

**CITY SOLICITOR
ALISSA O. GIULIANI**

DEPUTY CITY SOLICITORS
JEFFREY A. HONIG
MARIE M. LAWLOR
JONAH M. TEMPLE

ASSISTANT CITY SOLICITORS
ALAN D. MANDL
JACLYN R. ZAWADA
ANDREW S. LEE
CAROLYN A. WEISMAN

FROM: Andrew S. Lee, Assistant City Solicitor
TO: Newton Zoning and Planning Committee
DATE: April 25, 2022
RE: Sign Ordinance Amendments

The U.S. Supreme Court has held that under the First Amendment of U.S. Constitution, content-based restrictions of signs expressing non-commercial speech are subject to the most stringent scrutiny. The proposed amendments to **Section 5.2** of the City Zoning Ordinance seek to appropriately permit free speech by creating a new definition for “noncommercial signs”, subject to certain dimensional and location controls.

Sec. 5.2. Signs

5.2.1. Intent and Purpose

- A. It is recognized that signs perform important functions in the City, which are essential for the public safety and general welfare, such as communicating messages, providing information about goods and services available, and providing orientation. It is further recognized that because of their potential detrimental impact on the visual and perceptual environment, signs must be regulated in order to:
1. Prevent hazards to vehicular and pedestrian traffic;
 2. Prevent conditions which have a blighting influence and contribute to declining property values;
 3. Provide for easy recognition and legibility of all permitted signs and other uses in the immediate vicinity; and
 4. Preserve the amenities and visual quality of the City and curb the deterioration of the village commercial areas.
- B. It is the intent of these provisions to protect property values, create a more attractive business climate, enhance and protect the physical appearance of the City, provide a more enjoyable and pleasing environment and to encourage the most appropriate use of land.

(Ord. No. 158, 10/18/76)

5.2.2. Applicability

All signs shall comply with the regulations for the erection and construction of signs contained in the 780 CMR and applicable City ordinances. No sign shall be erected, displayed, or maintained within the City, except those specifically provided for in this Sec. 5.2 or in other chapters of the Revised Ordinances. ~~Signs allowed by this Sec. 5.2 shall be either accessory signs or non-accessory directory signs and shall comply with all dimensional and other applicable regulations in this Sec. 5.2.~~

(Ord. No. 196, 2/22/77)

5.2.3. Definitions

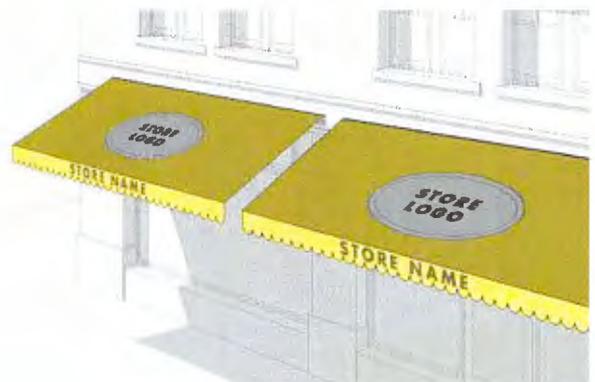
Sign. A permanent or temporary structure, device, letter, word, 2D or 3D model, insignia, banner, streamer, display, emblem, or representation which is an advertisement, announcement or direction, or which is designed to attract attention.

Sign, Accessory. A sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the address and/or occupant of the premises, the business transacted on the premises, the year the business was established, a slogan, directional or parking instructions, or the sale or letting of the premises or any part thereof.

Sign, Area. The entire area within a single continuous perimeter, and a single plane, which encloses the extreme limits of the advertising message or announcement or wording together with any frame, background, trim, or other integral part of the display excluding the necessary supports or uprights on which the sign is placed. Sign area of a free-standing sign or a perpendicular wall sign is the entire area of one side of such sign such that two faces which are back to back are counted only once.



Sign, Awning. A sign on or attached to a temporary retractable shelter which is supported entirely from the exterior wall of a building.



Sign, Directional. Signs indicating "Entrance," "Exit," "Parking," or the like, erected on a premises for the direction of persons or vehicles.



~~Sign, Election. A sign specifically supporting or opposing the election of a candidate for office in an election to be held in the City within a year, or supporting or opposing a ballot question which shall appear on a ballot in the City within a year.~~

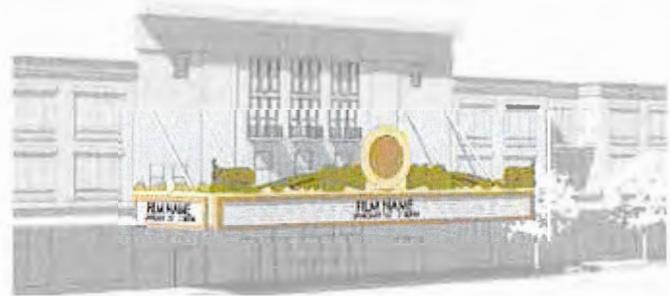
Sign, Free-Standing. A sign erected on or affixed to the land by post, pole, pylon or any framing or supporting device or stand which is not affixed to a building, and may include kiosks or public information bulletin boards.



Sign, Frontage. The length in feet of the building wall parallel or substantially parallel to a street that is occupied by an individual business establishment.

Sign, Noncommercial. A sign which contains only noncommercial messages.

Sign, Marquee. A sign on or attached to a permanent overhanging shelter which projects from the face of a building, is entirely supported by said building, and may have a changeable letter panel.



Sign, Non-Accessory. A billboard, sign or other commercial advertising device which does not come within the foregoing definitions of an accessory sign or of a non-accessory directory sign, or of a noncommercial sign.



Sign, Non-Accessory Directory. A sign that, with respect to the premises on which it is erected and/or an adjacent premises for which the sign is a single common identifier, or with respect to a single integrated development consisting of two or more lots, advertises or indicates one or more of the following: the address and/or occupant of the premises, the business transacted on the premises, the year the business was established, a slogan, directional or parking instructions, or the sale or letting of the premises or any part thereof.



Sign, Principal. The principal sign on a lot. Where permission is granted for a free-standing sign, the free-standing sign shall be considered the principal sign.

Sign, Secondary. A wall sign located on a wall other than that occupied by the principal sign.

Sign, Wall. A sign affixed either parallel or perpendicular to the wall of a building and not extending above the roof plate or parapet line.

- A. Wall signs shall be affixed either parallel or perpendicular to a wall of a building. Where a building or structure to which a parallel wall sign is to be affixed has an identifiable sign band, as determined by the Director of Planning and Development in consultation with the Urban Design Commission, or is part of a block of commercial establishments which, except for the petitioned property, is the subject of uniform signage, the parallel wall sign shall be located within the identifiable sign band or shall be consistent with any uniform signage.
- B. A parallel wall sign shall project no more than 12 inches from the building surface and shall not extend above the roof line or beyond the sides of the building.
- C. A perpendicular wall sign shall be attached at a right angle to the wall of a building; it shall have no more than 2 faces; and it shall not project in any linear dimension more than 6 feet, subject to the provisions of Revised Ordinances Chapter 26, Sections 26-1 to 26-6. When a projecting sign is closer than 12 feet to the corner of a building, its projection shall be no more than a distance equal to 1/2 the horizontal distance from the sign to that building corner.



Sign, Window. A sign affixed to the interior or exterior surface of a window or displayed behind a window so as to attract attention from the outside. A sign shall be

deemed a window sign if it is within 6 inches of the inside surface of a window through which it is intended to be viewed and is not merchandise on display.



(Ord. No. 158, 10/18/76; Ord. No. V-7, 03/20/95)

5.2.4. Permit Procedure

- A. No sign shall be erected on the exterior of any building or on any land, and no such sign shall be enlarged or altered, with the exception of copy changes on changeable letter panels, clocks, or thermometers, until an application on appropriate forms supplied by the Commissioner of Inspectional Services with such information including plans, drawings, and photographs as the Commissioner of Inspectional Services may require, shall have been filed with the Commissioner of Inspectional Services, and a permit for such erection, alteration or enlargement has been issued by the Commissioner of Inspectional Services.
- B. All non-accessory directory signs shall obtain an outdoor advertising permit from the Commonwealth of Massachusetts' Office of Outdoor Advertising.
- C. Upon receipt of an application for a sign permit, the Commissioner of Inspectional Services shall notify the Urban Design Commission and the Director of Planning and Development regarding said application within 2 weeks of the date of filing, if they deem it necessary. The Director of Planning and Development shall submit an advisory report, including any recommendation of the Urban Design Commission, to the Commissioner of Inspectional Services within 3 weeks of the application filing date.
- D. The fees for sign permits shall be established from time to time by the City Council.
- E. Within 2 months after the erection, alteration or enlargement of any sign, the owner or operator

of said sign shall file two 8 inch by 10 inch photographs, taken after intallation.

(Ord. No. 158, 10/18/76)

5.2.5. Prohibited Signs

The following signs shall not be permitted, constructed, erected, or maintained:

- A. Non-accessory signs;
- B. Signs constructed, erected, or maintained on the roof of a building or which extend above the roof plate line;
- C. Portable signs not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailer signs and signs affixed to or painted on a vehicle permanently parked on the premises so as to serve as a sign, but excluding signs affixed to or painted on a vehicle temporarily parked on the premises;
- D. Window signs which cover more than 25 percent of the area of the window;
- E. Any sign which advertises or calls attention to any products, businesses, or activities which are no longer sold or carried on at any particular premises; or
- F. String lights used in connection with commercial premises with the exception of temporary lighting for holiday decoration.

(Ord. No. 158, 10/18/76)

5.2.6. Signs Allowed By Right

A. Permanent Signs. The following signs shall be allowed by right without the necessity of sign review, but may require a building permit:

- 1. Signs erected by or on the order of a governmental agency when limited to governmental purposes, and excluding any advertising, except in the Open Space/ Recreation and Public Use districts (see Sec. 6.2.9);
- 2. Names of buildings, date of erection, monumental citations and commemorative

tablets, when made a permanent and integral part of a building, not to exceed 10 square feet;

- 3. Banners or flags emblematic of or issued by national, state, or local governments;
- 4. Signs indicating the name and address of the occupant of a dwelling, not to exceed 1 square foot. Where a permitted accessory home business exists, such sign shall not exceed 2 square feet;
- 5. Awning signs in business, mixed use, limited manufacturing and manufacturing districts;
- 6. Window signs, in nonresidential buildings, not to exceed 25 percent of the area of the window;
- 7. Customary signs on gasoline pumps indicating in usual size and form the name, type and price of gasoline;
- 8. Clocks and thermometers displaying no information other than the time and temperature;
- 9. Holiday decorations and lights when in season; and
- 10. Signs not to exceed 2 square feet which indicate warnings, hazards, or public conveniences such as "trespass," "beware of dog," or rest room signs.

B. Temporary Signs. Temporary signs shall not be illuminated and shall comply with the provisions of this Sec. 5.2, but may require a building permit:

- 1. Short-Term Event Sign. The Commissioner of Inspectional Services may permit an establishment to display on its premises 1 non-illuminated sign announcing a special event of limited duration to take place on the premises. Such sign may be displayed for a period not to exceed 72 hours, including time required for installation and removal. The Commissioner of Inspectional Services shall issue such a permit to the same establishment no more than twice per calendar year. Applications for such permits shall be submitted in accordance with Sec. 5.2.4, but shall be submitted no later than 1 week prior to the proposed date of installation. Applications for such permits shall not be subject to notice to and review by the Urban

Design Commission and the Director of Planning and Development.

2. Temporary Identification Sign Procedure.

One temporary identification sign to identify a property or use during the period from the submission of a sign application to the Commissioner of Inspectional Services or during the special permit procedure to 30 days after the decision, may be erected, provided that in the event of an unfavorable decision such temporary sign shall be removed immediately, and provided that the temporary sign conforms with all applicable dimensional regulations of this Sec. 5.2, that it is, in fact, a temporary sign not involving any substantial expense, and that it is displayed in a manner which will not deface the building facade or otherwise impinge upon the review of the proposed sign.

3. Construction Signs. One or more signs during the construction or alteration of a building identifying the building, owner, contractor, architects and engineers and whether any business is or is not to be conducted there may be erected. Such signs shall not exceed in the aggregate 32 square feet and shall be removed within 48 hours after completion of the construction or alteration.

4. Real Estate Signs. One unlighted sign, not exceeding 12 square feet in residential districts and 32 square feet in commercial districts, advertising the sale, rental or lease of the premises or part of the premises or the willingness to build on the premises on which the sign is displayed may be erected. Such signs shall be removed within 48 hours after the sale, rental or lease of the premises.

5. Event Signs. Signs not exceeding 30 square feet, announcing a fundraising drive or event of a civic, philanthropic, educational or religious organization, displayed on the lot of the event or the property of the sponsoring agency and limited to 1 per lot, except that if a lot has frontage on more than one street, there may be a free-standing sign for each street frontage. Such signs shall not be erected before 14 days preceding the event and shall be removed within 48 hours after the event.

~~6. Yard or Garage Sale Signs.~~ Signs, not exceeding 5 square feet, announcing a yard or garage sale, which are displayed on private property and limited to 1 per premises, may be erected. Such signs shall not be erected before 3 days preceding the sale and shall be removed within 24 hours after the sale.

~~7. Election Signs.~~ Election signs shall be allowed in all zoning districts, except as otherwise provided in this Chapter, and shall conform to the following:

- ~~a. The face of the sign shall be no higher than and no wider than 3 feet;~~
- ~~b. The total area of all signs on a single lot shall not exceed 32 square feet;~~
- ~~c. Signs may be located anywhere on a lot, but shall not create a traffic safety hazard by blocking visibility of traffic on a public street from a driveway. Signs shall not overhang a public sidewalk; however, where there is no sidewalk, no part of the sign shall be closer than 8 feet to the edge of the paved portion of the public way;~~
- ~~d. Signs shall not include any names or logos advertising goods, services, or businesses or otherwise constituting commercial speech;~~
- ~~e. Signs shall not use obscene language in violation of established community standards;~~
- ~~f. Signs shall not be artificially illuminated except as permitted by Sec. 5.2.10;~~
- ~~g. Election signs may be erected no earlier than 45 days before an election and shall be removed within 7 days after the election; and~~
- ~~h. No more than 1 election sign per candidate or per ballot issue shall be erected on a single lot.~~

(Ord. No. 158, 10/18/76; Ord. No. T-64, 12/18/89; Ord. No. V-7, 03/20/95; Ord. No. Z-27, 05/19/08; Ord. No. A-29, 10/07/13; Ord. No. A-99, 01/17/17)

6. Noncommercial Signs. Noncommercial signs shall be allowed in all zoning districts, except as otherwise provided in this Chapter, and shall conform to the following:

- A. The face of the sign shall be no higher than and no wider than 3 feet;
- B. Signs may be located anywhere on a lot, but shall not create a traffic safety hazard by blocking visibility of traffic on a public street from a driveway. Signs shall not overhang a public sidewalk; however, where there is no sidewalk, no part of the sign shall be closer than 8 feet to the edge of the paved portion of the public way;
- C. Signs shall not include any names or logos advertising goods, services, or businesses or otherwise constituting commercial speech;
- D. Signs shall not be artificially illuminated except as permitted by Sec. 5.2.10.

5.2.7. Signs in Residence Districts

No permanent sign shall be erected or maintained in a residence district, except as provided in [Sec. 5.2.6](#) and this [Sec. 5.2.7](#):

Use	Number	Type	Area per Sign (max)	Notes
Residential: single- or two-family	1 per unit	Wall sign	1 sf	Name of occupant, address of premises
Residential: single- or two-family with permitted accessory use or occupation	1 per unit	Wall sign	2 sf	Name of occupant(s), address of premises
Residential: building with more than 2 families or group of buildings forming a single housing development	1 total	Principal wall sign OR Free-standing sign	15 sf OR 10 sf	
Residential: Each building in a group of buildings forming a single housing development	1 per building in group	Secondary wall sign	2 sf	
Churches, schools, other institution or group of buildings forming a complex or campus	2 per street frontage	Free-standing sign AND principal wall sign	1 @ 20 sf 1 @ 10 Ssf	1 Free-standing sign per frontage; for notices and announcements of services and events
Churches, schools, or other institutions: Each building in a group of buildings forming a single complex or campus	1 per building in group	Free-standing sign AND principal wall sign	10 sf	
	1 total	Principal wall sign	20 sf	
Nonresidential use, permitted or nonconforming	1 total	Free-standing sign	15 sf	The City Council may grant a special permit for a free-standing sign
Any use	--	Directional sign	3 sf	For the direction of Persons or vehicles, indicating "entrance," "exit," "parking," or the like

-- Not Applicable

5.2.8. Signs in Commercial Districts

No permanent sign shall be erected or maintained in a business, limited manufacturing, manufacturing, and mixed use district, except as provided in Sec. 5.2.6 and this Sec. 5.2.8:

Type	Number per business establishment	Area per Sign (max)	Notes
Principal sign	1 total	3 sf per linear foot of building wall frontage OR 100 sf, whichever is less	In particular instances, due to the nature of the use of the premises, the architecture of the building, or its location with reference to the street, the total allowable sign area may be divided between two wall signs which together constitute the principal wall sign.
Principal sign: Business on a corner lot	2 total	3 sf per linear foot of building wall OR 100 sf, whichever is less	Frontage on the second street must be at least 75 percent of frontage on first street
Secondary sign	1 per entrance or frontage on a street or parking area; 2 max	1 sf per linear foot of building wall OR 50 sf, whichever is less	May not be erected on the same wall as a principal sign.
Directory sign	1 per building entrance	1 sf per occupant or tenant	Indicating the occupants or tenants of the building to which the sign is affixed
Directory sign: building with 2nd entrance	1 per entrance	1 sf per occupant or tenant	The second entrance must have frontage on a street or parking lot. Such signs shall not be deemed nonaccessory directory signs.
Marquee sign	1 per theater		
Awning sign	--	Up to 20% of awning area	
Window sign	--	Up to 25% of window area through which they are visible	
Gas station sign	1 consolidated display	20 sf (aggregate)	Product identification signs (tires, oil...)
Directional sign		3 sf	For the direction of persons or vehicles, indicating "entrance," "exit," "parking," or the like

-- Not Applicable

(Ord. No. A-99, 01/17/17; Ord. No. B-2, 02-20-18)

5.2.9. Signs in Open Space/Recreation and Public Use Districts

In Open Space/Recreation and Public Use districts, no sign shall be erected, displayed or maintained except as provided below:

- A. ~~Those signs specifically exempt from prohibition, including the display of placards for the expression of political, religious, or public service ideas, so long as the placards remain in the physical possession of a person.~~
- B. Regulatory signs as may be erected by the City, county, state, or their agencies.
- C. Signs for the identification of public buildings or public premises, or allowed uses in open space/ recreation and public use districts, or valid nonconforming uses existing in open space/ recreation and public use districts. These identification signs shall not exceed 20 square feet in area.
- D. The City Council may permit free-standing signs, public information bulletin boards and exceptions to the maximum area requirement of 20 square feet for signs set out above, as provided for in Sec. 5.2.13. In no event shall any free-standing sign exceed 35 square feet in area in an Open Space/Recreation or Public Use district.

(Ord. No. 51, 02/03/75; Ord. No. 158, 10/18/76; Ord. No. V-90, 09/03/96)

5.2.10. Illuminated Signs

- A. No sign shall contain any moving parts or flashing or blinking lights so as to create an animated effect, except such portions of a sign which consist solely of indicators of time and temperature.
- B. No red or green lights or any lighting effect utilizing such colors shall be used on any sign if, in the opinion of the Chief of Police, such light or lighting effect would create a hazard to the operation of motor vehicles.
- C. Any lighting of a sign shall be continuous and shall be either interior, non-exposed or exterior illumination. All illumination shall be of reasonable intensity and shielded in such a manner that all direct light falls on the sign or the wall to which it is

affixed and does not shine onto any street or nearby property.

- D. No sign shall be lighted between the hours of 11:00 p.m. and 7:00 a.m., except those signs identifying police or fire stations, a residential building, or in the case of a commercial establishment, signs which may be lighted during a period extending from 30 minutes before opening for business and to 30 minutes after closing.
- E. The City Council may grant a special permit for the illumination of other signs if the City Council finds that such illumination is in the public interest.

(Ord. No. 89, 10/06/75; Ord. No. 158, 10/18/76)

5.2.11. Construction and Maintenance

- A. The construction, alteration, repair and maintenance of all signs, together with their appurtenant and auxiliary devices in respect to structural and fire safety, shall be governed by the provisions of the 780 CMR. Where provisions of this Sec. 5.2 are more restrictive with respect to location, use, size or height of signs and other applicable regulations, this Sec. 5.2.11 shall take precedence.
- B. No sign shall be erected so as to obstruct any door, window or fire escape on a building.
- C. Any sign which advertises or calls attention to any products, businesses or activities which are no longer sold or carried on at any particular premises shall be removed by the occupant or owner of the premises within 30 days. If any such sign is not removed within 30 days, the Commissioner of Inspectional Services shall give written notification, in hand or by certified mail, return receipt requested, to the owner or occupant of the premises that the Commissioner of Inspectional Services will have such sign removed and assess any costs of the removal to the owner or occupant. If within 30 days from the date of receipt of the notification the sign has not been removed by the owner or occupant, then the Commissioner of Inspectional Services shall remove said sign and assess any costs of the removal to the owner or occupant.

(Ord. No. 158, 10/18/76; Ord. No. R-273, 11/15/82)

5.2.12. Nonconforming Signs

- A. Any nonconforming sign legally erected prior to the adoption of this Sec. 5.2, or any amendment of this Sec. 5.2, may be continued to be maintained but shall not be enlarged, reworded, redesigned or altered in any way unless it conforms with the provisions contained of this Sec. 5.2.
- B. The exemption granted in paragraph A. above shall not apply to any non-accessory sign or to any sign which has been illegally erected, has been abandoned, or has not been repaired or properly maintained.
- C. Any sign which has been destroyed or damaged to the extent that the cost of repair or restoration will exceed one-third of the replacement value as of the date of destruction shall not be repaired, rebuilt, restored or changed unless it conforms with this Sec. 5.2.

(Ord. No. 158, 10/18/76)

5.2.13. Exceptions

- A. In particular instances, the City Council may grant a special permit to allow free-standing signs and exceptions to the limitations imposed by this Sec. 5.2 on the number, size, location and height of signs where it is determined that the nature of the use of the premises, the architecture of the building or its location with reference to the street is such that free-standing signs or exceptions should be permitted in the public interest.
- B. In granting such a permit, the City Council shall specify the size, type and location and shall impose such other terms and restrictions as it may deem to be in the public interest and in accordance with the 780 CMR. All free-standing signs shall not exceed 35 square feet in area, or 10 feet in any linear dimension, or 16 feet in height from the ground, except as further described in Sec. 5.2.7.
- C. Where a single lot is occupied by more than 1 establishment, whether in the same structure or not, there shall not be more than one free-standing sign for each street frontage. In granting such a permit, the City Council shall specify the size, type and location of any such sign and shall impose such other forms and restrictions as it may deem to be in

the public interest, and in accordance with the 780 CMR.

(Ord. No. 158, 10/18/76)

5.2.14. Guidelines

The Director of Planning and Development may from time to time prepare and issue guidelines to clarify the provisions of this Sec. 5.2.

(Ord. No. 158, 10/18/76)

RECEIVED
Newton City Clerk

CITY OF NEWTON

2022 MAY 19 PM 12: 26

DOCKET REQUEST FORM

DEADLINE NOTICE: Council Rules require items to be docketed with the Clerk of the Council NO LATER THAN 7:45 P.M. ON THE MONDAY PRIOR TO A FULL COUNCIL MEETING.

To: Clerk of the City Council

Date: May 19, 2022

From (Docketer): Lara Kritzer, Community Preservation Program Manager

Address: Planning Department, Newton City Hall, 1000 Commonwealth Avenue Newton MA 02459

Phone: 617-796-1144

E-mail: lkritzer@newtonma.gov

Additional sponsors: Community Preservation Committee

1. Please docket the following item (it will be edited for length if necessary):

Recommendation from the Community Preservation Committee that \$133,002 in Community Preservation Act funding be appropriated from the Unrestricted Prior Year Funds to the control of the Planning & Development Department for the completion of the 100% design of the Commonwealth Avenue Carriageway Redesign Project in Auburndale.

2. The purpose and intended outcome of this item is:

- Fact-finding & discussion
- Appropriation, transfer,
- Expenditure, or bond authorization
- Special permit, site plan approval,
- Zone change (public hearing required)

- Ordinance change
- Resolution
- License or renewal
- Appointment confirmation
- Other: _____

3. I recommend that this item be assigned to the following committees:

- | | | |
|---|---|--|
| <input type="checkbox"/> Programs & Services | <input checked="" type="checkbox"/> Finance | <input type="checkbox"/> Real Property |
| <input checked="" type="checkbox"/> Zoning & Planning | <input type="checkbox"/> Public Safety | <input type="checkbox"/> Special Committee |
| <input type="checkbox"/> Public Facilities | <input type="checkbox"/> Land Use | <input type="checkbox"/> No Opinion |

4. This item should be taken up in committee:

- Immediately (Emergency only, please). Please state nature of emergency:

- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 on reverse
- Following public hearing

PLEASE FILL OUT BOTH SIDES

5. I estimate that consideration of this item will require approximately:

- One half hour or less
- More than one hour
- More than one meeting
- Up to one hour
- An entire meeting
- Extended deliberation by subcommittee

6. The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Citizens (include telephone numbers/email please)

Lara Kritzer

Barney Heath

Nicole Freedman

7. The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion:

8. I have or intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. *

CPC Funding Recommendation and the City's CPA funding proposal for additional funding for the Commonwealth Avenue Cariageway Redesign Project.

(*Note to docketer: Please provide any additional materials beyond the foregoing to the Clerk's office by 2 p.m. on Friday before the upcoming Committee meeting when the item is scheduled to be discussed so that Councilors have a chance to review all relevant materials before a scheduled discussion.)

Please check the following:

- 9. I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.
- 10. I would like the Clerk's office to contact me to confirm that this item has been docketed. My daytime phone number is:
- 11. I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.

Thank you.

Lara Kritzer
Signature of person docketing the item

[Please retain a copy for your own records]



Ruthanne Fuller
Mayor

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

336-22

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(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

Community Preservation Committee Funding Recommendation for Commonwealth Avenue Carriageway Redesign

Date: May 19, 2022
From: Community Preservation Committee
To: The Honorable City Council
CC: Her Honor Mayor Ruthanne Fuller

PROJECT GOALS & ELIGIBILITY

This proposal requests additional funding to complete the 100% design for the new pedestrian and bicycle paths which will replace the north carriageway of Commonwealth Avenue between Lyons Field and the Charles River Bridge in Auburndale. The project received \$390,000 in Recreation category funding in November 2020 to begin the design work and hired consultants Howard Stein Hudson to complete the 100% design for the new greenway and pedestrian space. An unanticipated issue with the intersection of Ash Street and Commonwealth Avenue, however, required the consultants to attend additional meetings and develop additional design alternatives for the intersection for review by the neighborhood, City and MassDOT. As a result, the project is now running short of funding and needs the requested CPA funds in order to complete the 100% design work. In addition, MassDOT has moved the project construction from FY25 to FY23, increasing the need for the 100% design work to be completed as scheduled.

The project's goal is to increase the amount of usable green space in this section of Commonwealth Avenue and to link existing trail networks including the Charles River Path, the Riverside Greenway trail network (in development), and Weston's planned shared use path (currently at 25% design). An additional goal is to increase the visibility of, and access to, the historic boathouse on the Charles River and improve transit access in the area by upgrading bus stops and pedestrian crossings.

The project is eligible for CPA funding for the creation of a Recreation resource.

RECOMMENDED FUNDING

At its regular monthly meeting on Tuesday, May 10, the Community Preservation Committee unanimously recommended, with a vote of 8 to 0, the appropriation of \$133,002 in Community Preservation Act funding from the Unrestricted Prior Year Funds to the control of the Planning & Development Department to provide additional funding to complete the 100% design of the Commonwealth Avenue Carriageway Redesign in Auburndale.

www.newtonma.gov/cpa

Lara Kritzer, Community Preservation Program Manager

lkritzer@newtonma.gov 617.796.1144

Proposed CPA Fund Account for the Commonwealth Ave. Carriageway Redesign Additional Funding			
Account Name	Account Number	Amount Currently Available in Account	Proposed Amount for Project
Unrestricted Prior Year Funds	#5800-3599	\$4,733,063	\$133,002
Total Project Funds			\$133,002

SPECIAL ISSUES CONSIDERED BY THE CPC

Funding leverage & project costs: The CPC recognized and appreciated the tremendous leveraging of CPA funding achieved by this project. Including both the current proposal and original funding, CPA funds account for only 8.6% of the overall project budget. The over \$6 million project has already been awarded full construction funding in the MassDOT Bicycle and Pedestrian Program budget and the construction has recently been moved from FY25 to FY23. In addition to the previous CPA funding for the project, the City received \$47,900 from the Solomon Fund to complete the conceptual plan and spent another \$200,000 to complete the 25% design for the project.

Community spaces & services: This project creates an entirely new recreational resource for the City by converting an existing traffic lane and its surrounding right-of-way lands into a developed bicycle and pedestrian pathway that will provide a critical link to other existing pathway systems. The original proposal noted that this is the only section of Commonwealth Avenue where the northern carriageway is not already a limited access roadway that is widely used by pedestrians and bicyclists. The project creates a safe path system along Commonwealth Avenue for pedestrians and bicyclists which will provide increased accessibility to Weston’s proposed bike path and link Newton’s existing trails to the north and south of this project.

Project Timeline: When the project was originally funded in 2020, MassDOT had planned to begin construction in FY25 but has since decided to move the work forward to FY23. The City is working closely with the consultants and MassDOT to ensure that the 100% design work is completed on time and expect to be ready to begin construction next year. Completing the 100% design is the last work on the project which the City is responsible for and is crucial to having the construction completed by MassDOT.

Accessibility: This project proposes to improve accessibility in this area of Newton by creating accessible pedestrian and bicycle paths which are fully separated from vehicular traffic along Commonwealth Avenue.

ADDITIONAL RECOMMENDATIONS *(funding conditions)*

1. The additional funding will continue to be used to pay for the services of a consultant to complete the 100% design of the redesigned carriageway space.
2. Any interim plans or designs will be shared with the CPC for public posting on the CPC’s website.
3. The applicant should also be prepared to update the CPC at regular intervals as requested on the status of the project.
4. The CPC shall receive copies of all relevant plans, drawings, schematics, budget and marketing materials, etc. associated with the use of the CPA funding. The Applicant will also be expected to present these materials at a meeting of the CPC for their review and approval before the final funds are released and/or the project is considered complete.

5. All recommended CPA funds should be appropriated by the City Council within six (6) months and expended within two (2) years of the date of any CPC recommendation. If either deadline cannot be met, the applicant should request a written extension from the CPC, which the CPC may grant at its discretion.
6. Any CPA funds appropriated but not used for the purposes stated herein shall be returned to the Newton Community Preservation Fund.

KEY OUTCOMES

The Community Preservation Committee will evaluate this project based on its success in completing the 100% design for the new bicycle and pedestrian pathways in place of the northern carriageway of Commonwealth Avenue in a manner which meets the neighborhood and City's transportation and recreation goals for the area and on time for MassDOT construction in Fy23.

ATTACHMENTS

- 2022 Proposal and selected attachments submitted to the CPC for the May 10, 2022 review

Additional information not attached to this recommendation, including petitions and letters of support, are available on the CPC's website at:

<https://www.newtonma.gov/government/planning/community-preservation-program/proposals-projects/commonwealth-avenue-carriageway-redesign-project>

**Newton, Massachusetts Community Preservation Program
FUNDING REQUEST**

(For staff use)
date rec'd:

City of Newton



Ruthanne Fuller
Mayor

PRE-PROPOSAL

PROPOSAL

Last updated February 2020.

Please submit this completed file directly – do not convert to PDF or other formats.

For full instructions, see www.newtonma.gov/cpa or contact:

Lara Kritzer, Community Preservation Program Manager

City of Newton Planning & Development Department, 1000 Commonwealth Ave., Newton, MA 02459

lkritzer@newtonma.gov 617.796.1144

You may adjust the space for each question, but the combined answers to all questions on this page must fit on this page.

Project TITLE	Commonwealth Avenue Carriageway Redesign Additional Funding		
Project LOCATION	Full street address (with zip code), or other precise location. Commonwealth Avenue (Lyons Field to Charles River Bridge)		
Project CONTACTS	Name & title or organization	Email	Phone
Project Manager	Nicole Freedman Director of Transp. Planning, City of Newton	nfreedman@newtonma.gov	617-879-8148
Other Contacts	Barney Heath, Director of Planning & Development, City of Newton	bheath@newtonma.gov	617-796-1131
Project FUNDING	A. CPA funds requested: \$ 133,002	B. Other funds to be used: \$ 5,928,000	C. Total project cost (A+B): \$ 6,061,002
Project SUMMARY	Explain how the project will use the requested CPA funds. You may provide more detail in attachments, but your PROJECT SUMMARY MUST FIT IN THE SPACE BELOW. Use a cover letter for general information about the sponsoring organization's accomplishments.		
<p>Funding Request - The CPA recently provided the Commonwealth Avenue Carriageway Redesign Project \$390,000 for design, to take the project from 25% design to final design. The City respectfully requests an additional \$133,002 in design funding to complete the design process. Since submission of the 25% design, there has been additional coordination required due to a scope change at Ash Street where the existing signal was deemed to be unwarranted by MassDOT. In working with the residents and MassDOT, the City needed to design a new alternative for Ash Street, as well as carry two alternatives through the 25% design process. This has been important, but unexpected work that is critical to maintaining and ensuring community support for the project. The requested additional funding will cover services required to perform the out-of-scope work performed on the additional alternatives and will enable the City to finish the design process and be constructed on time. The project is currently scheduled to start construction in Spring 2023.</p> <p>Project Summary - The project will redesign a critical compromised segment of the Commonwealth Avenue Carriageway from Lyons Field to the Marriot driveway. The project will create new green space and add a continuous walking and bicycle path where the roadway currently exists by rerouting vehicular traffic from north of the median to the south. Project benefits include: a) increase the overall amount of green space b) link myriad trail networks including the Charles River Path, the Riverside Greenway trail network and Weston's planned shared use path on Commonwealth Ave from Newton to Natick, c) increase visibility and access to the Charles River at the historic boathouse d) improve transit access in the area by upgrading bus stops.</p> <p>The Commonwealth Avenue Carriageway, the crown jewel of Newton, provides a nearly continuous east to west linear park, and walking and bicycling route for the expanse of Newton. Between Lyons Field and the Charles River bridge, however, the Carriageway assumes a compromised form, carrying the westbound vehicular traffic as it approaches Highway 195 and 190. The project will reroute the westbound vehicular traffic south of the median, allowing the Carriageway to again support biking and walking.</p> <p>MassDOT has fully funded construction of this project with \$5,900,000. Construction has been moved up to FY23 from FY25 with construction planned to start in spring 2023. The project will be constructed in coordination with MassDOT's \$23.8M Project 110980 Newton-Weston-Bridge Rehabilitation South Avenue (Rt. 30) over the Charles River which abuts our project. Both share a project limit of the Marriot Driveway. Constructing these projects in tandem means the Carriageway bike and pedestrian facilities and green space will be carried from Lyons Field, past our project limit at the Marriott, to the bridge over the Charles River. MassDOT has also initiated a new project to look at continuing the bike and pedestrian west beyond the Charles River over 195.</p>			

You may adjust the space for each question, but the combined answers to all questions on this page must fit on this page.

Project TITLE		Commonwealth Avenue Carriageway Redesign Additional Funding	
USE of CPA FUNDS		RECREATION	
create		x	
rehabilitate/ restore			
COMMUNITY NEEDS	From each of at least 2 plans linked to the <i>Guidelines & Forms</i> page of www.newtonma.gov/cpa , provide a brief quote with plan title, year, and page number, showing how this project meets previously recognized community needs. You may also list other community benefits not mentioned in any plan.		
<p>This project restores a critical gap of the Commonwealth Avenue Carriageway to its preferred form of a linear parkway and pathway for people recreating on foot and on bicycle. Numerous plans recognize the need for this project. More importantly, both the City of Newton and MassDOT have committed financially to this project: A) Newton’s Capital Improvement Plan has committed \$200,000 to 25% design in FY21. The City has contracted with Howard Stein Hudson and has completed 25% design. The City had previously committed \$24,000 for concept design, which has since been completed. B) MassDOT has committed more than \$5,900,000 to construction in FY2023 through their Bicycle and Pedestrian Projects budget, to coincide with the construction of MassDOT’s previously mentioned bridge project.</p> <p>Current plans which reference this project are as follows:</p> <ol style="list-style-type: none"> 1. Newton Capital Improvement Plan, 2020, page 6, “Two new Complete Streets projects were approved in the spring of 2019. The second project is the Commonwealth Avenue Carriageway improvements. This Auburndale project will complete MassDOT’s work on the Charles River Bridge. The segment along Comm Ave will be a shared use path for pedestrians and bicycles on the Charles River Trail from Lyons Field to the Auburn Street intersection then connecting to walkable streets over Pigeon Hill to trails along the river” 2. MassDOT State Prioritized Bicycle and Pedestrian Projects, FY 2025, Project construction funded. Project ID 610674. (To be posted shortly on MassDOT/MPO website. Project approved by vote at MPO meeting on 5/25) 3. Metropolitan Area Planning Council Landline Vision Plan, 2018, Shown on map. https://trailmap.mapc.org/ The LandLine is a vision for a continuous trail network throughout the metro-Boston area. 4. Newton Open Space and Recreation Plan 2020-2027, 2020, page 153, “81. Create a safe, low-stress bike lane on Commonwealth Avenue Carriage Lane.” 			
COMMUNITY CONTACTS	List at least 3 Newton residents or organizations willing and able to comment on the project and its manager’s qualifications. No more than 1 should be a supervisor, employee or current work colleague of the project manager or sponsor. Consult staff on the community contacts required for your specific proposal.		
Name & title or organization		Email	Phone
Mailing address			
Mayor Ruthanne Fuller City of Newton		rfuller@newtonma.gov	617-796-1108 1000 Commonwealth Avenue Newton, MA 02459
Herb Nolan Founder Solomon Foundation		herbnolan@solomonfoundation.org	617-875-6861 10 Laurel Ave, Wellesley, MA 02481
Mike Halle Transportation Advisory Group		m@halle.us	617-721-8585 N/A

You may adjust the space for each question, but the combined answers to all questions on this page must fit on this page. Full proposals must include separate, detailed budgets in addition to this page.

Project TITLE		Commonwealth Avenue Carriageway Redesign Additional Funding			
SUMMARY CAPITAL/DEVELOPMENT BUDGET					
Uses of Funds					
Concept Design – Complete. 50% paid for by City of Newton. 50% paid for by Solomon Foundation			\$47,900		
25% Design – Complete. Paid for by City of Newton. City is under contract with HSH.			\$200,000		
Final Design – In Process with CPA funding.			\$390,000		
Final Design Amendment – Request of CPA			\$133,002		
Construction – Assigned MassDOT construction funds, FFY2025 via MassDOT’s Bike/Ped program			\$5,900,000		
			\${amount}		
D. TOTAL USES (should equal C. on page 1 and E. below)			\$6,670,902		
Sources of Funds		Status (requested, expected, confirmed)			
City of Newton & Solomon Foundation (Concept Design)		Confirmed	\$47,900		
City of Newton (25% Design)		Confirmed	\$200,000		
CPA Funding (Final Design)		Confirmed	\$390,000		
CPA Funding (Amendment)		Request	\$133,002		
MassDOT Bicycle and Pedestrian Program (Construction)		Confirmed	\$5,900,000		
E. TOTAL SOURCES (should equal C. on page 1 and D. above)			\$6,670,902		
SUMMARY ANNUAL OPERATIONS & MAINTENANCE BUDGET (cannot use CPA funds)					
Uses of Funds					
			\${amount}		
F. TOTAL ANNUAL COST (should equal G. below)			\${amount}		
Sources of Funds					
			\${amount}		
			\${amount}		
G. TOTAL ANNUAL FUNDING (should equal F. above)			\${amount}		
Project TIMELINE		Phase or Task		Season & Year	
Concept Design				Complete	
25% Design				Complete	
Final Design				In Process	
Construction				2023	

Project TITLE		Commonwealth Avenue Carriageway Redesign Additional Funding	
↓ Check off submitted attachments here.			
REQUIRED.		PHOTOS	of existing site or resource conditions (2-3 photos may be enough)
		MAP	of site in relation to nearest major roads (omit if project has no site)
Pre-proposals: separate attachments not required, just use page 3 of form. Full proposals: separate, detailed budget attachments REQUIRED.	PROJECT FINANCES printed and as computer spreadsheets, with both uses & sources of funds		
		Development pro forma/capital budget: include total cost, hard vs. soft costs and contingencies, and project management – amount and cost of time from contractors or staff (in-kind contributions by existing staff must also be costed) Operating/maintenance budget, projected separately for each of the next 10 years (CPA funds may not be used for operations or maintenance)	
		Non-CPA funding: commitment letters, letters of inquiry to other funders, fundraising plans, etc., including both cash and est. dollar value of in-kind contributions	
		Purchasing of goods & services: briefly summarize sponsor's understanding of applicable state statutes and City policies	
REQUIRED for all full proposals.	SPONSOR FINANCES & QUALIFICATIONS, INSTITUTIONAL SUPPORT		
		For sponsoring department or organization, most recent annual operating budget (revenue & expenses) & financial statement (assets & liabilities); each must include both public (City) and private resources ("friends" organizations, fundraising, etc.)	
		For project manager: relevant training & track record of managing similar projects	
REQUIRED for all full proposals involving City govt., incl. land acquisition.		CAPITAL IMPROVEMENT PLAN	current listing/ranking & risk factors for this project
		COVER LETTER	from head of City department, board or commission confirming: current custody, or willingness to accept custody, of the resource and commitment of staff time for project management
	DESIGN & CONSTRUCTION		
	X	Professional design & cost estimates: include site plan, floor plans & elevations	
OPTIONAL for all proposals.		LETTERS of SUPPORT	from Newton residents, organizations, or businesses



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#283-22

Telephone
(617) 796-1100
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(617) 796-1113
TDD/TTY
(617) 796-1089
Email
rfuller@newtonma.gov

April 11, 2022

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

To the Honorable City Councilors:

I am pleased to reappoint Paul Snyder of 9 Ardmore Road, West Newton, 02465 as a full member of the Newton Upper Falls Historic District Commission. His term of office shall expire on July 1, 2025 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

CITY CLERK
NEWTON, MA. 02459

2022 APR 25 PM 4: 24

RECEIVED

Application Form

Profile

Paul _____ D _____ Snyder _____
First Name Middle Initial Last Name

Email Address

9 Ardmore Rd. _____
Home Address Suite or Apt

West Newton _____ MA _____ 02465
City State Postal Code

What Ward do you live in?

Ward 3

Primary Phone

Alternate Phone

Retired from FDIC _____ Senior Attorney Advisor _____
Employer Job Title

Which Boards would you like to apply for?

Newton Upper Falls Historic District 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've been a member of the commission for a number of years and take pride in how we've been able to maintain the historic character of Upper Falls

Bio-Paul_Snyder.docx
Upload a Resume

Hi Amalia.

Unfortunately I don't have a current resume and can't seem to locate an old one on my computer

Briefly, I was born in 1944, graduated from St Columbkille High School in Brighton in 1962, the University of Notre Dame in 1966. I graduated from Boston University School of Law and was admitted to the Mass Bar in 1971. I served with Area Counsel's Office and Regional Counsel's Office of the US Department of Housing and Urban Development from 1971 to 1986, was an associate at the law firm of McCullough, Stievater and Polvere to 1988, and with the Regional Counsel's office of the Federal Aviation Administration to 1990. For the next fifteen years I served as Senior Regional Attorney with the Federal Deposit Insurance Corporation.

I was twice elected to the Newton Board of Aldermen and was also elected twice as a National Vice President of the National Treasury Employees Union.

I have authored two novels: "An Angry God" and a sequel, yet to be published.

I live in West Newton, am married and the father of three children and eight grandchildren.

That's my life in a nutshell.

Paul