



Zoning & Planning Committee Agenda

City of Newton In City Council

Monday, March 25, 2019

7:00PM
Room 205

Items Scheduled for Discussion:

- #89-19** **Appointment of David Kayserman to Auburndale Historic District Commission**
HER HONOR THE MAYOR appointing DAVID KAYSERMAN, 33 Hancock Street, Auburndale, as a member of the AUBURNDALE HISTORIC DISTRICT COMMISSION to complete Patricia Bottomley's term which expires on May 31, 2019. (60 days: 05/03/19)
- #90-19** **Reappointment of David Kayserman to Auburndale Historic District Comm**
HER HONOR THE MAYOR reappointing DAVID KAYSERMAN, 33 Hancock Street, Auburndale, as a member of the AUBURNDALE HISTORIC DISTRICT COMMISSION for a term to expire May 31, 2022. (60 days: 05/03/19)
- #110-19** **Appointment of Kathryn Cade to Conservation Commission**
HER HONOR THE MAYOR appointing KATHRYN CADE, 195 Islington Road, Auburndale, as a member of the CONSERVATION COMMISSION to complete IRA Wallach's term which expires on May 31, 2020. (60 days: 05/17/19)
- Public hearing to be held on #111-19:***
- #111-19** **Technical amendments to the Zoning Ordinance**
DIRECTOR OF PLANNING requesting technical amendments to the Newton Zoning Ordinance, Chapter 30, which became effective November 1, 2015, in order to address clarifications, corrections, and edits related to missing or incorrectly transcribed ordinance provisions in the following sections:
- Sec. 4.4.1
 - Sec. 1.3.1
 - Sec. 5.1.4.A
 - Sec. 5.11.4.B

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.

#518-18 **Discussion and review relative to the draft Zoning Ordinance**
DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.

#220-18 **Discussion relative to the Washington Street Corridor Action Plan**
DIRECTOR OF PLANNING requesting monthly progress discussions on the Washington Street Corridor action plan.

Respectfully Submitted,

Susan S. Albright, Chair



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#89-19, #90-19

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

RECEIVED
Newton City Clerk
2019 FEB 20 AM 10:06
February 15, 2019
David A. Olson, Clerk
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to appoint David Kayserman of 33 Hancock Street, Auburndale as a full member of the Auburndale Historic District Commission. His term of office shall expire May 31, 2022 and his appointment is subject to your confirmation. Mr. Kayserman will complete Ms. Patricia Bottomley's term which ends on May 31, 2019. Mr. Kayserman will then begin to serve a new term ending May 31, 2022.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

DAVID KAYSERMAN

33 Hancock Street, Newton, MA 02466 |

SUMMARY

I have spent the last thirteen years guiding clients in the energy and utilities industries through business and digital transformations. I'm passionate about helping executives shift or rebuild their organizations around changing market dynamics and opportunities presented by the rapidly evolving technology landscape. I specialize in digital and technology strategy with a focus on AI, intelligent automation, and agile organizational design. I've tackled challenges all over the industry in the past decade, in areas such as power asset and speculative trading, gas supply and trading, marketing and origination, competitive retail gas and power, electricity market design, LNG supply chain, environmental products optimization, crude supply and trading, and midstream and downstream supply and marketing.

EXPERIENCE

- 04/15 – Present** **Managing Director, Resources, Accenture, Boston, MA**
- (Structure acquired by Accenture)
- Lead Accenture's Trading & Commercial Consulting practice in the North America Resources operating unit, consisting of 120+ FTEs and \$100M+ annual revenue. Achieved 20% year-over-year growth since the acquisition of The Structure Group. Responsible for go-to-market strategy, offering creation, and talent strategy and development.
 - Talent and performance lead for 120+ practice, planning and executing on recruitment and hiring, performance programs, and people development programs. Actively mentor 20+ people ranging from Analyst to Senior Manager.
 - Architect Accenture's advanced analytics, value chain optimization, and intelligent automation offerings across energy and utility clients, with over ten active clients/pilots and sales in excess of \$10M after one year.
 - Frequent conference and panel speaker on topics including "Digital Disruption in Commodities", "Fantasy and Reality in the Journey to Citizen AI", "Pivoting from Commodities Systems of Record to Systems of Insight"
- 04/17 – Present** **Client Account Lead, PE-owned LNG Supplier/Marketer**
- (Client)
- Cultivated relationship with rapidly-growing private equity owned LNG startup with multi-billion valuation. Grew account from prospect to \$1.5M+ in sales in one year.
 - Delivered technology, digital, security, and talent strategy for organization across plant, logistics, commercial, customer, and enterprise verticals including launching a new advanced analytics capability. Trusted advisor for C-suite, currently interviewing CTO candidates for organization.
 - Defined vision and led engagement to build advanced AR visualization and insights platform prototype built in Unity, hosted on Azure, designed to connect global insights with logistics and assets IoT with customer data. Planned multi-year product development roadmap to co-develop with client.
- 07/16 – Present** **Client Account Lead, Constellation Energy, Baltimore, MD**
- (Client)
- Steward for Accenture's relationship with Constellation, driving \$10M+ annual revenue and 30+ person team. Trusted advisor to Constellation senior leadership team. Leading four-year \$75M+ business transformation program for Power, Gas, and Environmental Products portfolios involving 35+ system retirements, 40+ FTE reduction, automation of 30+ processes, and faster time-to-market for new trading strategies.
 - Partner with executive leadership committee to drive adoption of agile and high-performing teams across the organization, representing a fundamental shift in

accountability, leadership structures, talent strategy, and reducing the divide between IT and business organizations.

02/17 – Present
(Client)

Engagement and Go-To-Market Lead, Commodity Analytics *Various Fortune 200 Energy and Utility Clients*

- Led sale, strategy, and development of “Optimal Procurement Target” advanced analytics and visualization platform for \$3B+ in annual gas purchases resulting in 5-year \$10M+ NPV business case focused on optimizing firm transport capacity on FGT pipeline in addition to significant operational efficiency improvements.
- Drove vision for and sale of custom-built supply chain optimization platform for global utility’s coal and LNG supply between 5 continents, resulting in 5-year \$15M+ NPV business case. Enabled client to centralize global fuels supply and run simulations and what-if scenario analysis intra-day to maximize P&L while balancing global supply and demand.
- Directed sale of custom advanced analytics platform for connecting oil sands refining operations with commercial data to optimize Fortune 200 organization’s refining operations using cloud-hosted linear programming models, with custom-built visualization and dashboards.

04/14 – 12/17
(Client)

Executive Advisor/Client Account Lead, *Global Partners LP, Waltham, MA*

- Executive advisor to company’s senior leadership team on a \$30M+ business transformation program for crude and refined products business involving organization redesign, business process re-engineering, and multiple system implementations. Helped establish risk organization, trading operations and analysis function, marketing and sales support function, and enabled reduction in back office headcount by 30%.

02/12 – 04/15

Director, *The Structure Group, Houston, TX*

- Executive of 200+ person energy consulting firm responsible for driving \$5M-\$10M in annual sales, directly managing \$10M+ in annual revenue, leading 20+ person teams, and directing strategy and technology initiatives for clients with capital budgets in excess of \$50M.
- Achieved 18% revenue growth, 8% attrition reduction, and increase in gross margin by 5% over two years driving go-to-market strategy, corporate development, and recruiting for the commercial trading practice (60% of the business).

03/14 – 10/15
(Client)

Strategy Consultant, *Constellation Energy, Baltimore, MD*

- Identified and drove creation of 10-year \$33M+ NPV business case comprised of 35+ system retirements, 40+ FTE reduction, and operational and regulatory risk reduction. Led market entry strategy for international coal and LNG businesses, followed by a post-M&A technology strategy, capability assessment, and business case initiative across wholesale and retail gas, environmental products, coal, freight, heating oil, and LNG lines of business.
- Led go-to-market strategy for client’s expansion into international coal and freight business, resulting in 3-year business case and opening of a new office in London

11/13 – 03/14
(Client)

Executive Advisor, *Southwest Power Pool, Little Rock, AR*

- Senior advisor for the program management office, helping the organization initiate and launch FERC-mandated \$30M+ second phase of its Market Redesign initiative. Provided executive oversight, coaching, and guidance for the new system integration team taking over program management operations and delivery responsibility from the previous vendor.

04/12 – 11/13

Program Manager, *Pacific Gas & Electric Company, San Francisco, CA*

- (Client) · Led team of 30+ on the planning, design, and delivery of \$40M+ Commodity Trading and Risk Management program supporting all Energy Procurement lines of business (Electric Fuels, Core Gas Supply, Short-Term Electric Supply).
- 08/05 – 04/08** **Management Consultant, *Sapient, Cambridge, MA***
- Consultant in the Global Markets practice of a 5,000+ international consultancy, delivered solutions that included enterprise application development in the energy sector, optimization of back office operations, and training and change management for an international chain of casino properties.
- 07/06 – 04/08** **Business Analyst, *New York Independent System Operator, Albany, NY***
- (Client) · Led the design and delivery of a \$7M+ custom Price Validation application for the ISO, enabling the organization to reduce its time window for identifying, analyzing, and correcting erroneous Location Marginal Prices from five days to less than eight hours in all Day Ahead and Real Time markets.
- 08/05 – 07/06** **Project Manager, *Sapient, Cambridge, MA***
- (Client) · Delivered operations re-engineering and scalability initiative across all G&A functions for 5,000+ professional services firm across 17 locations while organization grew over 30%. Impacted overall profitability by reducing G&A costs from 28% to 22% in 1 year and reduced finance function costs from 6% to 2% of revenue in 24 months through process re-design, systems implementation, and establishing a new corporate Finance and accounting function in India.

SKILLS

Functional & Technical Skills

- Strategy/Management Consulting
- Technology Strategy
- Talent Strategy
- Digital Strategy
- Organization & Operating Model Design
- Applied Intelligence and Analytics Strategy
- Design Thinking & Workshop Facilitation
- Change Management
- Large-Scale Program Management
- Agile/DevOps
- Coaching and Mentorship

Industry Experience

- Power, Gas, Environmental Products, Crude, LNG, Refined Products (Rack and Delivered), Financial Derivatives
- Small-scale LNG Supply Chain
- Midstream and Downstream Supply and Marketing
- Utilities and Digital Customer
- Electricity Markets and ISO/RTOs
- Commercial & Operational Business Activities – Trading, Marketing, Logistics, Risk Management & Control, Credit, Settlements, Accounting, and Financial Reporting, Regulatory Reporting

EDUCATION AND CERTIFICATIONS

- 01/12** **Master of Business Administration, *Babson College, F.W. Olin School of Business, Wellesley, MA***
- 05/05** **Bachelor of Arts, *University of Massachusetts, Amherst, MA***



Ruthanne Fuller
Mayor

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Office of the Mayor

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RECEIVED
NEWTON CITY CLERK
2019 MAR 13 AM 10:32
March 13, 2019
Ruthanne A. Fuller, Clerk
Newton, MA 02459

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

To the Honorable City Councilors:

I am pleased to appoint Kathryn Cade of 195 Islington Road, Auburndale as a full member of the Conservation Commission. Her term of office shall expire on May 31, 2020 and her appointment is subject to your confirmation. Ms. Cade currently serves as an alternate member. Ms. Cade will complete Ira Wallach's term, which ends on May 31, 2020, as a full member.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

Kathryn E. Cade

Ms. Cade, a retired investment banker, has served as trustee and in leadership roles for a number of nonprofit health and human service organizations, including the Dimock Community Health Center and the Judge Baker Children's Center. She currently serves as Vice Chair of the Board of Trustees of The Carter Center in Atlanta, Georgia and as Co-Chair of the Advisory Board of the Rosalynn Carter Institute for Caregiving at Georgia Southwestern State University. She is also a member of the Audit Committee of Historic New England.

Ms. Cade began her professional career working for the American Association for the Advancement of Science, the largest professional scientific organization in the country. She then joined WNET-TV in New York, where she produced health and science documentaries. In 1976 she joined the presidential campaign staff of then candidate Jimmy Carter. She went on to serve as Director of Projects for Rosalynn Carter from 1977-81, where she led a new staff office in The White House created by Mrs. Carter to support the first lady's work in mental health, aging, women's rights and refugee relief.

After receiving an MBA from the Yale School of Management, Ms. Cade spent more than twenty years at a major regional bank in Boston, where she managed several trading businesses and then became chief of staff to the president of the bank.

Ms. Cade has had a longstanding interest in environmental issues and conservation causes, supporting a number of conservation organizations. Since moving to the Islington Peninsula in Newton in 2013, she has become actively involved in the control of invasive weeds in the lakes district of the Charles River. She is a member of CRWA and on the steering committee for CANOE, a citizen's group established to partner with CRWA in engaging citizens in the clean-up of this part of the Charles. She also serves as the coordinator for Save the Cove, another citizen's effort to preserve and protect Ware's Cove.

Ms. Cade holds a BA in History and Science from Harvard University.



Ruthanne Fuller
Mayor

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

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Barney Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: March 22, 2019

TO: Councilor Susan Albright, Chair
Members of the Zoning and Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
James Freas, Deputy Director

RE: #111-19: DIRECTOR OF PLANNING requesting technical amendments to the Newton Zoning Ordinance, Chapter 30, which became effective November 1, 2015, in order to address clarifications, corrections, and edits related to missing or incorrectly transcribed ordinance provisions.

MEETING DATE: March 25, 2019

CC: City Council
Planning and Development Board
Alissa O. Giuliani, City Solicitor
John Lojek, Commissioner of ISD

At the adoption of the reformatted Zoning Ordinance in 2015, the Planning Department described a plan to conduct an annual review of the ordinance to identify minor corrections and edits. Over the past year, staff from Planning and ISD have identified errors and other problems in the ordinance and logged them into a tracking sheet. This docket item represents the proposed resolution of these problems.

Attached is a table describing each individual change to the ordinance and sample pages from the ordinance showing the reline changes for each item.

RECOMMENDATION AND NEXT STEPS

The Planning Department recommends that docket item # 111-19 be approved and forwarded to the City Council for consideration.

Attachments:

March 2019 Annual Zoning Ordinance Clean-up FINAL LIST

“Redline” Ordinance Pages and 2012 Ordinance Pages

Sections	Ordinance Pages
Secs 1.3.1	1-2
Sec 4.4.1	4-18
Sec 5.1.4.A	5-4
Secs. 5.11.4.B	5-26

Section References	Page Numbers	Issue	Recommendation
Sec. 1.3.1 – Accessory Apartment Overlay Districts	1-2	Overlay Districts still listed.	Remove.
Sec 4.4.1 – Residential uses allowed above ground floor in Bu1 through BU4.	4-18	Inconsistency with previous ordinance on where residential uses are allowed in BU Districts	Change ‘L’ in table to ‘L/SP’.
Sec. 5.1.4.A – Parking requirements for low-income and elderly units.	5-4	Confusion on required parking ratios for low income and elderly units in multi-family projects.	Change the last sentence to ‘1 per 2 low income units or 1 per 4 elderly units.’
Sec. 5.11.4.B – Pricing requirements for condo units.	5-26	Missing paragraph in Inclusionary Zoning Ordinance	Add paragraph back in.

Sec. 1.1. Short Title

This ordinance may be cited as the “City of Newton Zoning Ordinance.”

Sec. 1.2. Purpose of Chapter

The provisions of this Chapter are ordained by the City for the purpose of promoting the health, safety, convenience and welfare of its inhabitants by:

- A. Encouraging the most appropriate use of land, including the consideration of the comprehensive plan adopted by the Planning Board and the Board of Aldermen;
- B. Preventing overcrowding of land and undue concentration of population;
- C. Conserving the value of land and buildings, including the conserving of natural resources and the preventing of blight and pollution of the environment;
- D. Efficiently using and conserving of natural resources and energy;
- E. Lessening the congestion of traffic;
- F. Assisting in the adequate provision of transportation, water, sewerage, schools, parks, open spaces and other public facilities;
- G. Preserving and increasing the amenities and aesthetic qualities of the City;
- H. Encouraging housing for persons of all income levels;
- I. Reducing hazards from fire and other dangers; and
- J. Providing for adequate light and air.

(Rev. Ords. 1973 §24-2; Ord. No. 284, 06/19/78; Ord. No. Y-17, 05/21/07)

Sec. 1.3. Zoning Districts Established

1.3.1. Establishment

The City is hereby divided into districts, to be known respectively as follows:

Public Use and Open Space Districts
Public Use District
Open Space/Recreation District
Residence Districts
Single Residence 1 District
Single Residence 2 District
Single Residence 3 District
Multi-Residence 1 District
Multi-Residence 2 District
Multi-Residence 3 District
Multi-Residence 4 District
Business, Manufacturing & Mixed Use Districts
Business 1 District
Business 2 District
Business 3 District
Business 4 District
Business 5 District
Manufacturing District
Limited Manufacturing District
Mixed Use 1 District
Mixed Use 2 District
Mixed Use 3/Transit-Oriented District
Mixed Use 4 District
Overlay Districts
Accessory Apartment Overlay District A
Accessory Apartment Overlay District B
Accessory Apartment Overlay District C
Accessory Apartment Overlay District D

Historic districts (which are not a part of zoning) may apply to property in addition to the regulations in this Chapter 30. See Revised Ordinances, Chapter 22, Article III.

(Ord. No. S-260, 08/03/87)

1.3.2. Official Zoning Map

- A. The districts are indicated on the plans entitled “City of Newton, Massachusetts, Amendments to Zoning Plans,” adopted July 21, 1951, as amended from time

Sec. 4.4. Allowed Uses

4.4.1. Business, Mixed Use & Manufacturing Districts

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Residential Uses												
Single-Family, detached	L	L	L	L	--	--	--	--	--	--	--	Sec. 6.2.1
Two-Family, detached	L	L	L	L	--	--	--	--	--	--	--	Sec. 6.2.2
Residential use, above ground floor	L/S) P	L/SP	L/SP	L/SP	--	SP	L/SP	P	P	--	--	Sec. 6.2.4
Residential use, ground floor	SP	SP	SP	SP	--	SP	SP	P	SP	--	--	Sec. 6.2.4
Assisted living, nursing home	--	--	--	--	--	--	--	SP	SP	--	--	Sec. 6.2.5
Elderly housing with services	SP	SP	SP	SP	--	--	--	--	--	--	--	Sec. 6.2.10
Live/work space	P	P	P	P	P	P	P	P	P	--	--	Sec. 6.2.11
Single-room occupancy dwelling, single-person occupancy dwelling	--	--	--	--	--	--	--	SP	--	--	--	Sec. 6.2.14
Civic/Institutional Uses												
Cemetery, private	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.1
Club, clubhouse	P	P	P	P	--	--	P	--	SP	--	P	Sec. 6.3.2
Community use space	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.3.3
Family child care home, large family child care home, day care center	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.4
Government offices or services	--	--	--	--	--	--	--	P	P	--	--	Sec. 6.3.5
Heliport	--	--	--	--	SP	--	--	--	--	SP	SP	Sec. 6.3.6
Hospital	SP	SP	SP	SP	SP	--	--	--	--	--	--	Sec. 6.3.7
Library, museum or similar institution	P	P	P	P	SP	--	P	P	P	--	P	Sec. 6.3.8
Public use	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.10
Rail/bus station	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.3.11
Religious institution	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.12
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	SP	--	SP	--	--	--	--	Sec. 6.3.13
School or other educational purposes, non-profit	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.14
School or other educational purposes, for-profit	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.14
Theatre, hall	P	P	P	P	--	--	P	SP	SP	--	P	Sec. 6.3.15
Commercial Uses												
Animal service, excluding overnight boarding	--	--	--	--	--	SP	SP	--	SP	--	--	Sec. 6.4.1
ATM, standalone	SP	SP	SP	SP	SP	SP	SP	P	SP	SP	SP	Sec. 6.4.2
P = Allowed by Right L = Allowed Subject to Listed Standards SP = Special Permit by City Council Required -- Not Allowed												

section 30-9(h)(2)c) and section 30-22(b).

Upon receipt of notification of compliance from the director of planning and development, the commissioner of inspectional services shall review the application for compliance with all zoning, building, health, fire and safety codes on the premises.

The owner-occupant applicant must secure a certificate of occupancy from the department of inspectional services within one (1) year of the date of the completed section 30-9(h)(2) application for the lawful use of the accessory apartment. Upon expiration of said one (1) year, if the applicant has not secured said certificate of occupancy, the applicant shall be precluded from any lawful use of the accessory apartment under the provisions of section 30-9(h)(2). Upon request by the applicant prior to expiration of the aforesaid one (1) year, the commissioner of inspectional services may grant a six (6) month extension if the commissioner deems it appropriate and justified due to extenuating circumstances.

The applicant shall record with the Registry of Deeds for the Southern District of Middlesex County a certified copy of the certificate of occupancy for the accessory apartment which states that before ownership of the property changes, the current owner must apply to the commissioner of inspectional services for a new occupancy permit. Before issuing such occupancy permit, the commissioner of inspectional services must assure that the provisions of the Newton Zoning Ordinance and the State Building Code are met.

The owner of the subject property shall file with the commissioner of inspectional services an affidavit attesting to the continued residence of

the owner on the subject property. Such affidavit shall be filed annually from the date of the issuance of the certificate of occupancy.

- (3) If it shall be determined by a court of competent jurisdiction that any provision or requirement of section 30-9(h) is invalid as applied for any reason, then section 30-9(h) shall be declared null and void in its entirety. (Ord. No. T-114, 11-19-90; Ord. No. T-247, 10-5-92; Ord. No. T-306, 11-1-93; Ord. No. V-173, 5-18-98; Ord. No. V-246, 6-7-99; Ord. No. X-37, 12-2-02; Ord. No. Y-10, 4-17-07; Ord. No. Z-95, 10-03-11)

Sec. 30-10. Reserved.

DIVISION 3. BUSINESS, MIXED USE and MANUFACTURING DISTRICTS

Sec. 30-11. Business Districts.

(a) *Allowed Uses.* In Business Districts 1, 2, 3 and 4, subject to the density and dimensional controls set forth in section 30-15 and the parking requirements set forth in section 30-19, land, buildings and structures may be used, or may be designed, arranged or constructed for one or more of the following purposes:

- (1) Office;
- (2) Retail store, salesroom or showroom for the conduct of retail business, but not for the sale of motor vehicles;
- (3) Library or museum;
- (4) Bank, excluding drive-in facilities;
- (5) Theatre, hall or club;
- (6) Barbershop, beauty parlor, tailor, shoe repair shop or similar service establishment;
- (7) Retail dry cleaning or laundry;
- (8) Job printing establishment, provided, that no more than three (3,000) square feet are used for work and storage;

- (9) Restaurants having not more than 50 seats which are not opened between the hours of 11:30 p.m. and 6:00 a.m., and further provided that such restaurants are not fast food establishments;
- (10) Bakery, the products of which are sold at retail and only on the premises;
- (11) Dwelling units above the first floor, provided that the first floor is used for a use allowed in section 30-11(a)(1)-(11);
- (12) Accessory parking facilities, provided that such facilities are limited to a single level;
- (13) A dwelling for one (1) or two (2) families in existence as of January 1, 2000, but only on a lot abutted on two or more sides by lots in residentially zoned districts and subject to the density and dimensional controls set out in section 30-15, Table 1 for the aforesaid abutting residentially zoned lots;
- (14) Other uses similar or accessory to those authorized by section 30-11(a).
 - (b) For substandard commercial lots as described in section 30-15(o), the only uses listed under subsection (a) which are permitted are:
 - (1) Office;
 - (2) Bank, excluding drive-in facilities;
 - (3) Barbershop, beauty parlor, tailor, shoe repair shop or similar service establishment;
 - (4) Dwelling units above the first floor;
 - (5) Accessory parking facilities;
 - (6) Other uses similar or accessory to those authorized by section 30-11(b).
 - (c) In all business districts, no building, structure or alteration, enlargement or extension thereof located within three hundred (300) feet of a great pond as defined under the Massachusetts General Laws, chapter 131, section 1 shall be permitted other than under the procedure set forth in section 30-23

herein concerning site plan approval, with particular concern to the preservation of public view, enjoyment and access to said great pond. (Rev. Ords. 1973, §24-9).

(d) *Special Permits.* In Business Districts 1, 2, 3 and 4, the board of aldermen may grant a special permit in accordance with the procedures in section 30-24, subject to the density and dimensional controls set forth in section 30-15 and the parking requirements set forth in section 30-19, to use land, buildings and structures for one or more of the following purposes:

- (1) Hospital, sanitarium, convalescent or rest home;
- (2) Broadcasting studio;
- (3) Laboratory;
- (4) Hotel/motel;
- (5) Funeral home;
- (6) Job printing establishment using more than three thousand (3,000) square feet for work and storage;
- (7) Non-accessory parking facilities or multi-level accessory parking facilities;
- (8) Multi-family dwelling;
- (9) Restaurant having over fifty (50) seats which are not open for business between the hours of 11:30 p.m. and 6:00 a.m., except that such restriction as to hours of operation shall not apply to a hotel or motel restaurant;
- (10) Drive-in or open-air business and appurtenant buildings or structures, or a drive-in business as part of any building or land used for the purposes authorized by section 30-11(a);
- (11) Elderly housing with services, including residential care facilities and congregate care facilities. The board of aldermen may grant a special permit according to the procedures of section 30-24 for elderly

5.1.4. Number of Parking Stalls

A. The minimum number of parking stalls to be supplied for each type of building or land use shall be in accordance with the following requirements. Where the computation results in a fractional number, the fraction shall be counted as one stall.

Use	Parking Stalls Required	Allowed by Special Permit
Residential		
Single-family dwelling, Two-family dwelling	2 per unit	
Accessory apartment	1 per unit	
Association of persons	1 per adult occupant in unit	
Single-family attached dwelling, Multi-family dwelling	2 per unit	1.25 per unit, except multi-family housing for low-income or elderly persons built under state or federal housing programs: 1 per 2 units in a low income units plus or 1 per 4 elderly units
Boarding house, rooming house, lodging house, tourist house, congregate living facility	1 per sleeping room plus 1 per 3 employees	
Convalescent or rest home or other institution devoted to the board, care or treatment of humans	1 per every 4 beds plus 1 per every 3 employees	
Elderly housing with services facility, residential care facility, elderly congregate living facility	1 per every 2 dwelling units 1 per every 4 nursing beds plus 1 per 3 employees	.25 per dwelling unit where adequate transportation services are available
Civic/Institutional		
Dormitory	1 per 5 occupants	
Religious Institutions	1 per 3 seats, permanent or otherwise; 1 per 3 employees; plus 1 per 45 sf used for meeting function purposes when such space is customarily used concurrently with the seating space	
School serving children under 14 years of age	1 per employee not residing on premises	
Commercial		
Bank	1 per 300 sf plus 1 per every 3 employees	
Family child care home, large family child care home, day care center	1 per employee not residing on premises plus 1 per every 5 children	
Funeral home	1 per 40 sf; 30 spaces min.	
Health club, similar establishment	1 per 150 sf plus 1 per every 3 employees	
Hospital, sanitarium	1 per every 3 beds plus 1 per every 3 employees	
Hotel, motel	1 per sleeping room plus 1 per every 3 employees	
Medical office on or abutting hospital property	1 per 400 sf plus 1 per every 3 employees in any lab or pharmacy in bldg	

“A” being the number of off-street parking stalls required under this section;

“B” being the number of off-street parking stalls which would have been required under the provisions of this section to the building or structure and the use thereof prior to the date of the enlargement, extension or change of use of said building or structure;

“C” being the number of off-street parking stalls located on the premises, or adjacent premises of the owner, or located off-site with the permission of the board of aldermen, prior to the date of the enlargement, extension or change of use of said building or structure.

- b) In the case of a change in use of churches, synagogues, theaters, halls, clubs, funeral homes, restaurants, other places serving food and other places of amusement or assembly, the number of off-street parking stalls which would be required for the new use or uses shall be determined by the existing floor area of the existing structure and not the seating capacity thereof. When such building or structure is located in a business, manufacturing or mixed use district, the number of off-street parking stalls which would have been required for such building or structure prior to the date of the enlargement, extension or change of use (“B” of the formula set forth above), shall be calculated under subparagraph 30-19(d)(10) or (11), whichever results in a greater parking requirement.
- (3) The board of aldermen may grant a special permit in accordance with the procedure provided in section 30-24 to reduce or waive the requirement that parking be provided as would be required by subparagraph (c)(2) above in conjunction with the enlargement, extension or change in use of a building or structure, provided that this reduction or waiver shall not be

applicable to any increase in gross floor area.

- (4) All required parking facilities shall be provided and maintained so long as the use exists which the facilities were required to serve. Reasonable precautions shall be taken by the owner or operator of particular facilities to assure the availability of required facilities for the employees or other persons whom the facilities are designed to serve. Required parking stalls shall not be assigned to specific persons or tenants nor rented or leased so as to render them in effect unavailable to the persons whom the facilities are designed to serve.
- (5) Municipal parking lots shall not be used to meet the parking requirements of this section.

(d) *Number of Parking Stalls.* The minimum number of parking stalls to be supplied for each type of building or land use shall be in accordance with the following requirements. Where the computation results in a fractional number, the fraction shall be counted as one stall.

- (1) Two parking stalls for each dwelling unit in a one- or two-family dwelling. Such parking stalls may be stacked one behind the other and may be located within the side yard setback.
- (2) Two parking stalls shall be provided for each dwelling unit in an apartment house, garden apartment, or attached dwellings, provided that the board of aldermen may grant a special permit in accordance with the procedure provided in section 30-24 for the construction of apartment houses, garden apartments, attached dwellings with a lesser parking stall requirement for each dwelling unit if circumstances warrant such modification, but in no case less than one and one-quarter (1-1/4) parking stalls per dwelling unit, except multi-family housing for low-income or elderly persons built under state or federal housing programs. For such public housing projects, one parking stall for each two (2) low-income dwelling units not reserved for the elderly and one

parking stall for each four (4) dwelling units reserved for the elderly shall be provided.

- (3) One stall for each room or suite designed or intended to be occupied independently by a person or a group of persons in a hotel or motor hotel, and one stall for each three (3) employees on the largest shift.
- (4) One stall for each sleeping room in a boarding house, rooming house, lodging house, tourist house, congregate living facility and one stall for each three (3) employees on the largest shift.
- (5) One stall for each five (5) occupants in a dormitory.
- (6) One stall for each forty (40) square feet of floor space within a funeral home open to the public use, or a minimum of thirty (30) spaces, whichever is larger.
- (7) Parking stalls shall be provided on the premises of an elderly housing with services facility, including residential care facilities and elderly congregate living facilities, on the basis of the following:
 - a) fifty one-hundredths (0.50) parking stall per dwelling unit, except when the board of aldermen determines that adequate transportation services are available, it may grant a special permit to reduce the requirement to a minimum of twenty-five one-hundredths (0.25) parking stall per dwelling unit;
 - b) twenty-five one-hundredths (0.25) parking stall per nursing home bed;
 - c) thirty-three one-hundredths (0.33) parking stall per employee on the largest shift.
- (8) One stall for each three (3) beds in a hospital or sanitarium and one stall for each three (3) employees on the largest shift.
- (9) One stall for each four (4) beds in a convalescent or rest home or other institution devoted to the board, care or treatment of humans and one stall for each three (3) employees on the largest shift.
- (10) One stall for each 300 square feet or fraction thereof of gross floor area for use in any bank, post office, retail store, sales room, showroom or service establishment. In addition, one (1) stall shall be provided for each three (3) employees on the largest shift.
- (11) One stall for each 250 square feet or fraction thereof of gross floor area, up to 20,000 square feet, and one stall for each 333 square feet or fraction thereof of gross floor area in excess of 20,000 square feet, in any office or professional building, except that parking requirements for gross floor area used for medical offices shall be regulated under subparagraph (12) below.
- (12) One stall for each 200 square feet or fraction thereof of gross floor area used for medical offices, except that where such medical offices are in buildings used in conjunction with a hospital and located on the hospital property or abutting land, the number of parking stalls may be one-half of the requirements specified. In addition, one (1) stall shall be provided for each three (3) employees in any laboratory or pharmacy included within such building.
- (13) One stall for each three (3) seats, permanent or otherwise, for patron use of restaurants and other places serving food or beverages and of theaters, halls, clubs, auditoriums and other places of amusement or assembly and one stall for each three (3) employees to be employed or anticipated to be employed on the largest shift. Places of assembly or amusement shall also provide one parking stall for each forty-five (45) square feet of gross floor area used for meeting function purposes when such space is customarily used concurrently with the seating space. In the case of such uses in conjunction with a hotel or motor hotel and in the same or an abutting building, the parking stall requirements with respect to patron use of restaurants and other places serving food or beverages shall be one-half (1/2) and with

- B. Rent and Sale Price Limits.** Rent and sale price limits for inclusionary units shall be set based on the assumption that household size equals the number of bedrooms plus, regardless of the actual number of persons occupying the units, as may be further specified in guidelines provided by the City in its then-current affordable rent or sales guidelines or, if not specified there, as specified by Massachusetts Department of Housing and Community Development (DHCD) in its Local Initiative Guidelines for 'Maximum Sales and Rents,' as most recently revised at the time of marketing.
1. Sales unit price limit. Inclusionary units for sale shall be priced to be affordable to a household having an income 10 percentage points lower than household income limit for that unit as provided in subparagraphs below and the assumed household size based in paragraph B. above. The price is 'affordable' if the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, hazard insurance, and 1 parking space do not exceed 30 percent of the monthly income of a household at the assumed household size. Buyers will be eligible so long as their total housing cost including the services identified above does not exceed 38 percent of their income.
 2. Purchase income eligibility limit: fewer than 3 for-sale units. Where fewer than 3 inclusionary units are provided in a development under [Sec. 5.11.3](#), the household income limit for those units shall be 80 percent of the AMI and the inclusionary units shall be priced for affordability to households having incomes of not more than 70 percent of AMI at the time of marketing of the inclusionary units in questions.
 3. [Purchase income eligibility limit: 3 or more for-sale units. Where 3 or more inclusionary units are provided in a development under sec 5.11.3 the eligible household income limit for at least two-thirds of the inclusionary units offered for sale \(rounded to the nearest whole number\) shall be not more than 80 percent of the area median income at the time of marketing. The eligible household income limit for the remaining inclusionary units may be set at any level\(s\) up to 120 percent of the area median income at the time of marketing.](#)
 4. Rental unit price limit. Inclusionary rental units are to be priced to be affordable to a household having an income at the household income limit for that unit as provided in subparagraphs 4 and 5. For inclusionary units, the monthly rent payment, including 1 parking space and including heat, hot water, and electricity shall not exceed 30 percent of the applicable household income limit for the inclusionary unit, adjusted downward for any of those services not included. For a household with a Section 8 voucher, the rent and income are to be as established by the Newton Housing Authority with the approval of HUD.
 5. Renter income eligible limit: 2 or more rental units. Where 2 or more inclusionary units are provided for rental in a development under [Sec. 5.11.3](#), the percentage of AMI used for establishing rent and income limits for all inclusionary units in the development shall average no more than 65 percent of the AMI. Alternatively, where 2 or more inclusionary units are provided for rental in a development under [Sec. 5.11.3](#), they may be provided such that at least 50 percent of such units are priced for households having incomes at 50 percent of the AMI, and all other remaining inclusionary units are priced for households having incomes at 80 percent of the AMI.
 6. Renter income eligibility limit: 1 rental unit. Where only 1 inclusionary unit is provided in a development under [Sec. 5.11.3](#), the inclusionary unit shall be priced for a household income limit and rental affordability at not more than 80 percent of the AMI.
- C. Qualification as Local Action Units.** Inclusionary units must be qualified as 'Local Action Units' pursuant to the requirements of the Comprehensive Permit Guidelines of the DHCD, Sec. VI.C Local Action Units, as in effect June 1, 2009 as the same may be amended from time to time, unless:
1. The Household income limit for the unit exceeds 80 percent of the AMI; or
 2. The unit is exempted from this requirement by another provision of this [Sec. 5.11](#); or
 3. The unit is exempted from this requirement by a provision included in the special permit authorizing the development, based on special circumstances applicable to that development,

- i) For Inclusionary Units that are rented to Eligible Households, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the monthly income of an Eligible Household, assuming 1.5 persons per bedroom, except in the event of an Eligible Household with a Section 8 voucher in which case the rent and income limits established by the Newton Housing Authority, with the approval of the U.S. Department of Housing and Urban Development, shall apply.
- ii) The sales price of inclusionary units for sale shall be affordable to an eligible household having an income ten (10) percentage points lower than the maximum eligible income for that unit as provided in section 30-24(f)(1)a). For example, if the maximum eligible income for the unit is based upon household incomes at 120% of the area median income then the maximum sales price must be affordable to households at 110% of the area median income.”
- iii) Where fewer than three Inclusionary Units are provided in a development under section 30-24(f)(3), Inclusionary Units required to be offered for sale shall be provided to Eligible Households with median incomes of not more than 80 per cent of the median income for households in the United States Department of Housing and Urban Development designated statistical area that includes the City of Newton at the time of marketing of Inclusionary Units and adjusted for household size.
- iv) Where three or more inclusionary units are provided in a development under section 30-24(f)(3), the eligible household income limit for at least two-thirds of the inclusionary units offered for sale (rounded to the nearest whole number) shall be not more than 80% of the area median income at the time of marketing. The eligible household income limit for the remaining inclusionary units may be set at any level(s) up to 120% of the area median income at the time of marketing.”
- v) Where two or more Inclusionary Units are provided in a development under section 30-24(f)(3), Inclusionary Units required to be offered for rental shall be provided to Eligible Households such that the mean income of Eligible Households in the development does not exceed 65 per cent of the median income for households in the United States Department of Housing and Urban Development designated statistical area that includes the City of Newton at the time of rental of Inclusionary Units and adjusted for household size. Where one Inclusionary Unit is provided in a development under section 30-24(f)(3), the Inclusionary Units required to be offered for rental shall be provided to an Eligible Household with a median income of not more than 80 per cent of the median income for households in the United States Department of Housing and Urban Development designated statistical area that includes the City of Newton at the time of rental of Inclusionary Units and adjusted for household size.
- vi) Inclusionary units must be qualified as ‘Local Action Units’ pursuant to the requirements of the *Comprehensive Permit Guidelines* of the Massachusetts Department of Housing and Community



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Barney S. Heath
Director

MEMORANDUM

DATE: March 22, 2019

TO: Councilor Susan Albright, Chair, Zoning and Planning Committee
Members of the Zoning and Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
James Freas, Deputy Director of Planning
Rachel Nadkarni, Long Range Planner

RE: **#518-18 Discussion and review relative to the draft Zoning Ordinance**
DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the
draft Zoning Ordinance.
Update on Special Permit Data

MEETING: March 25, 2019

CC: City Council
Planning and Development Board
John Lojek, Commissioner of Inspectional Services
Marie Lawlor and Jonah Temple, Law Department
Jonathan Yeo, Chief Operating Officer

During the March 11, 2019 Zoning and Planning Committee presentation on the development review sections of the 1st Draft Zoning Ordinance, planning staff presented data on the number of special permits dating back to 2003. Council President Laredo raised questions relative to these numbers and so staff worked with the Clerk's Office to verify those findings. The conclusion of that work was that the numbers were substantially wrong highlighting again the major challenges in the ability of the Planning Department and ISD's database system to provide accurate data in even the simplest of queries. ISD and Planning are in the process of obtaining a new database system for tracking the development review process and are focused on ensuring that this system can both contribute towards efficient review process management as well as be a reliable source of data on development activity in the city.

Planning staff were able to identify some of the problems in the database that generated the errors – the greatest of these being related to how the system assigns a date to an individual entry, which led to large numbers of special permits listed in the system being assigned to the wrong years. The

Planning Department's new numbers can be found below along with an independent check by the Clerk's Office. There remains a discrepancy between these numbers that staff is not yet able to explain.

Year	2003	2004	2005	2006	2007	2008	2009	2010
Planning and ISD Database	17	24	7	8		14	10	50
Clerk's Office records	35	21	16	19	32	37	29	35
SP for 1-and 2- family houses			2	5		2		

Year	2011	2012	2013	2014	2015	2016	2017	2018
Planning and ISD Database	14	21	48	41	77	68	66	80
Clerk's Office records	32	43	41	43	74	64	61	72
SP for 1- and 2- family houses			24					35

While the numbers are certainly different than previously presented, the trend line remains the same as the number of special permits on an annual basis has increased substantially (approximately doubled) from the number pre-recession. This conclusion makes sense as the Land Use Committee is now meeting three times a month rather than twice and that is after having taken steps to streamline their review process. Samples taken from 2013 and 2018 indicate that approximately half of the special permits in these years were for single or two-family projects.

Overall the Planning Department is highly disappointed in the inaccuracy of the data presented to the Zoning and Planning Committee. Much of this work is data-driven as staff attempts to obtain objective, fact-based information about the city and use that to shape policy recommendations. The accuracy of this data is essential, and staff remains focused on ensuring that the new development tracking database will be a reliable source of data.



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Barney S. Heath
Director

MEMORANDUM

DATE: March 22, 2019

TO: Councilor Susan Albright, Chair, Zoning and Planning Committee
Members of the Zoning and Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
James Freas, Deputy Director of Planning
Rachel Nadkarni, Long Range Planner

RE: **#518-18 Discussion and review relative to the draft Zoning Ordinance**
DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the
draft Zoning Ordinance.
Update, Project Schedule

MEETING: March 25, 2019

CC: Planning and Development Board
John Lojek, Commissioner of Inspectional Services
Marie Lawlor and Jonah Temple, Law Department
Jonathan Yeo, Chief Operating Officer

Since October 2018 the Planning Department has been busy introducing the 1st draft zoning ordinance to the community. With public meetings conducted in each of the wards, numerous individual meetings with residents and property owners, and conversations with City Councilors and other city officials, we have received a fantastic amount of feedback and ideas. In addition, through the build-out analysis we have learned a great deal more about the potential implications of the rules proposed. Overall, staff feels that we have had a very successful start to the Zoning Redesign conversation, and we look forward to the continuation of that conversation.

The remainder of 2019 will be a very busy year for the Planning Department with numerous large projects. In order to ensure there is sufficient time for Zoning Redesign and the range of other projects in the works, the timeline for the Zoning Redesign project has been extended. Overall, the release of a 2nd Draft is anticipated for January 2020 with completion of the project anticipated before the end of that year. The attached Zoning and Planning Committee schedule reflects all of the projects known to be coming before the committee at this time through the end of 2019. This schedule is no more than an estimate as changes will likely be made over time, but it gives a general idea of the Committee's workload and the timeframe in which topics will be taken up.

Also attached are the outstanding summary memos from zoning redesign discussions of the Zoning and Planning Committee and a summary memo of the commentary heard at the Ward-by-Ward meetings.

Draft ZAP Schedule

Draft ZAP Schedule - 2019 - March Edition

2019										
Item	11-Mar	19-Mar	25-Mar	THURS: 4/4/2019	8-Apr	22-Apr	5th MON: 4/29/2018	THURS: 5/9/2019	13-May	TUES: 5/28/2018
Joint Meetings		Committee of Whole	Plan Board		Plan Board	Plan Board			Plan Board	
Zoning Redesign	Development Review Process		Wrap Up and Outline Next Steps							
Washington Street Zoning Plan		Fiscal Impact / Build-out Presentation	Discussion Draft 2	Discussion Draft 2	Discussion Draft 2	Refined Draft Vision and Zoning* (Draft #3)		Discussion on Vision Plan	PH - Vision Plan	Discussion
Climate Action Plan					Discussion*	PH		Discussion		
Climate Related Zoning										
Short Term Rentals										Discussion
Inclusionary Zoning	Public Hearing (cont)				Discussion				Discussion*	
One Time Items			Annual Clean-Up Public Hearing		CDBG Action Plan		Budget			

* Assign Public Hearing
PH = Public Hearing

Draft ZAP Schedule

2019											
Item	10-Jun	24-Jun	8-Jul	22-Jul	8/12 or 8/26	9-Sep	23-Sep	TUES: 10/1/19	14-Oct	TUES: 11/12/2019	9-Dec
Joint Meetings						Plan Board					
	Plan Board						Plan Board				
Zoning Redesign			Environmental Standards						Transportation	Arts & Signs	Draft 2 Look Ahead
Washington Street Zoning	Zoning Discussion	Zoning - detailed review	Zoning - detailed review	Zoning - detailed review	Zoning - detailed review	PH	PH	Discussion			
Climate Action Plan											
Climate Related Zoning			Discussion		Discussion				Discussion	PH	Discussion
Short Term Rentals	PH	Discussion									
Inclusionary Zoning	PH	Discussion									
One Time Items											

* Assign Public Hearing
PH = Public Hearing



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Barney S. Heath
Director

MEMORANDUM

DATE: March 22, 2019

TO: Councilor Susan Albright, Chair, Zoning and Planning Committee
Members of the Zoning and Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
James Freas, Deputy Director of Planning
Rachel Nadkarni, Long Range Planner

RE: **#518-18 Discussion and review relative to the draft Zoning Ordinance**
DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the
draft Zoning Ordinance.
Single Purpose Districts Discussion Summary – January 28, 2019

MEETING: January 28, 2019

CC: Planning and Development Board
John Lojek, Commissioner of Inspectional Services
Marie Lawlor and Jonah Temple, Law Department

Attached is a meeting summary of the discussion on single purpose districts from the January 28th meeting. Staff will be creating a meeting summary like this for each topic regarding the First Draft Zoning Ordinance to track work flow, next steps, and to digitize the notes taken during the discussion.

At the March 25th meeting, staff will briefly present the meeting summary, and take note of any additional thoughts that the Committee has reflecting back on the previous discussion.

Zoning Redesign Meeting Summary

Topic: Single Purpose Districts

Date: January 28, 2019

Staff Summary

During the discussion of single purpose districts, staff introduced several topics related to those areas of the city that stand apart from the typical fabric of villages and neighborhoods. As was discussed, the intention of these districts is to allow for modifications to existing properties, but it is not expected that these districts will be expanded to new properties in Newton.

Staff have attempted to summarize those points of agreement that were noted in the meeting and other areas where there appeared to be general agreement, understanding that details on these topics still need further discussion. These notes will be used to direct work flow over the next months and do not represent any decision of the Committee members.

Public Use District

- The proposed public use district operates just like the public use district in the current ordinance. The Public Use district did not generate much discussion, and there were no stated recommendations from the Committee to modify the approach to the public use district for the second draft.

Recreation District

- The proposed Recreation District covers private recreation facilities (tennis clubs, golf courses, etc.) as well as the private cemetery in Newton. There was general agreement that the change of these facilities from residential zoning districts to the recreation district was positive because it offers more predictability and clarity should these facilities decide to change the use of all or part of their land.

Office District

- The Office District allows for stand-alone office buildings in an office park setting; Wells Ave being the primary location for the proposed Office District. There was a discussion about the allowed 5 stories, which would be allowed by Special Permit. There was a concern that such additional activity could result in traffic problems, and it was discussed the Special Permit would allow for in depth discussion of transportation before a 5-story office building would be allowed.

Fabrication District

- The Fabrication District is the modernization of the existing Manufacturing District with a broader range of arts and technology uses allowed. The Fabrication district did not generate much discussion, and there were no stated recommendations from the Committee to modify the approach to the Fabrication District for the second draft.

Regional Retail District

- The Regional Retail District covers facilities like the Chestnut Hill Square and the Street at Chestnut Hill. It was recommended that staff continue to review the list of allowed uses in this district and it was noted that potentially well-fitting uses like breweries and museums were not allowed in the regional retail district in the first draft. Staff will review the list of uses in this district and make modifications for the second draft.

Non-Contextual Multi-Residence District

- The non-contextual multi-residence district covers the large standalone residential complexes like the Towers at Chestnut Hill or The Gables. It was noted that there was confusing language about when a Special Permit is required in this district that staff will be reviewing for the second draft. There were no stated recommendations from the Committee to modify the approach to this district for the second draft.

Campus/Institutional District

- The Campus/Institutional district includes the university and private secondary school campuses as well as the other large institutions like the hospital. There appeared to be general agreement that only those properties being used as part of the institutional campus should be included in this district, meaning that residences owned by an institution and utilized as residences should be mapped to appropriate residential districts. Staff will review the edges of the campus districts to ensure that the campus districts are limited to those properties used for educational or institutional purposes.
- There was also a discussion of the allowed uses within the Campus District, particularly with respect to housing/services for older adults and accessory uses like community gardens. Staff will review the list of allowed uses and consider how assisted living facilities might or might not fit within the standards and purpose statements of this district, paying particular attention to the treatment of Lasell Village.
- There are two institutions in Newton, Newton Wellesley Hospital and the West Suburban YMCA, that staff is continuing to consider relative to the appropriate district. Right now the Hospital is in the Campus/Institutional District and the YMCA is in the Neighborhood General district. Each property includes a unique mix of facilities and uses that need careful consideration. Staff will continue to work on the appropriate treatment of these two properties and provide a recommendation for the second draft.

Article 7 Districts – Overlays, Parallel Districts, and Master Plan Districts

- Article 7 is a placeholder for future efforts so that location specific districts like the Washington Street zoning districts can smoothly fit into the ordinance.
- There appeared to be general agreement that the structure of this article was appropriate.

Restricted Uses

- The Restricted Uses section did not generate much discussion. As with all uses, there seems to be general agreement that further reflection and discussion is merited.



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Barney S. Heath
Director

MEMORANDUM

DATE: March 19, 2019

TO: Councilor Susan Albright, Chair, Zoning and Planning Committee
Members of the Zoning and Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
James Freas, Deputy Director of Planning
Rachel Nadkarni, Long Range Planner

RE: **#518-18 Discussion and review relative to the draft Zoning Ordinance**
DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the
draft Zoning Ordinance.
Development Review Process Discussion Summary – March 11, 2019

MEETING: March 11, 2019

CC: Planning and Development Board
John Lojek, Commissioner of Inspectional Services
Marie Lawlor and Jonah Temple, Law Department

Attached is a meeting summary of the discussion on development review process from the March 11th meeting. Staff will be creating a meeting summary like this for each topic regarding the First Draft Zoning Ordinance to track work flow, next steps, and to digitize the notes taken during the discussion.

At the March 25th meeting, staff will briefly present the meeting summary, and take note of any additional thoughts that the Committee has reflecting back on the previous discussion.

Zoning Redesign Meeting Summary

Topic: Development Review Process

Date: March 11, 2019

Part 1: Staff Summary

During the discussion of the development review processes, staff and the City's legal consultant Joel Russell introduced each of the development review process changes proposed in the first draft. Staff have attempted to summarize those points of agreement that were noted in the meeting and other areas where there appeared to be general agreement, understanding that details on these topics still need further discussion. These notes will be used to direct work flow over the next months and do not represent any decision of the Committee members.

By Right – Projects allowed in conformance with the written rules

- The by-right projects were a smaller part of the discussion on March 11th, but there appeared to be general interest in staff diving deeper into the projects approved in the Land Use process in 2018 to see how the projects that were approved without questions or concerns from the Council would be treated under the first draft.
- There also appeared to be interest in exploring a routine feedback loop between the Land Use Committee and the Zoning and Planning Committee to review the range of projects that the Land Use Committee found to be easily approved so that categories of projects might be moved from special permit to by-right if the two committees and full Council agree.

Special Permits – Projects requiring discretionary permits

- The discussion on March 11th centered on questions around the first draft's proposals for the special permit process. There was clear agreement that if a tiered Special Permit system would work in Newton, the line between projects reviewed at the Planning Board and projects reviewed at the City Council would need to be revised.
 - The discussion included several proposed modifications to the first draft from the Committee and other Councilors present, among them were the ideas to consider a tier of projects that could be reviewed by the Planning Board that include property modifications but not new construction, and an idea to set a square footage threshold between the two tiers for residential instead of a unit count threshold so that particularly large but low unit count projects in the neighborhoods would still be reviewed by the City Council.
 - Staff will revisit the tiered proposal for the second draft.
- There was also discussion of the composition of the Planning Board if they were to take on the role of Special Permit Granting Authority. As was recommended by a member of the committee, staff will further research details on comparable communities and how their special permit granting authority Planning Boards are organized – are they elected vs. appointed, do they have term limits or not, do they designate seats for different fields of expertise, etc.

- The discussion on March 11th also included a conversation about the quasi-judicial role of the Special Permit Granting Authority and the potential conflict with typical legislative roles of the City Council – among them is the tricky balance between the openness with constituents that a legislator might aim for and the legal risk that members of the Special Permit Granting Authority could face if engaging in ex-parte communications. It was mentioned that the Council Rules include guidance on this issue. Planning staff along with the City’s legal consultant Joel Russell and the Law Department staff will further review the existing guidance documents and recent case law on this topic.

Section 6 Findings – Projects to extend an existing nonconformity

- During the discussion on March 11th there was a request for additional information on projects that could potentially fall into the category of the Section 6 Finding. The detailed review of the 2018 projects mentioned above will include a review of how incorporating a separate Section 6 Finding process would affect those projects.

Design Review

- There appeared to be general agreement that more design reviews by the Urban Design Commission will be a benefit to the City.
- There was a concern that the language in the first draft may not clearly enough outline the interrelationship between Urban Design Review and historic design reviews. The intent is for the Urban Design Review to fill the design review function where there is not such a process already; meaning that, where a historic design review is conducted, either by a local Historic District Commission, or the Newton Historic Commission (e.g. during a demolition delay process), that this review would satisfy any design review requirement of the zoning ordinance. Staff will work to make this clearer in the second draft.

Part 2: Meeting Facilitation Notes Documented

Below is the Zoning Redesign Notes Matrix from the Development Review Processes Discussion at the Zoning and Planning Committee Meeting on March 11th.

Recorded Zoning Redesign Facilitated Discussion Matrix

<p>Points of Agreement</p> <ul style="list-style-type: none"> • 20 units is too high for Planning Board Special Permits 	<p>Proposed Modifications</p> <ul style="list-style-type: none"> • Maybe Planning Board deals only with property modifications • Maybe a Special Permit authority threshold based on square footage rather than number of units • Double check the draft does not duplicate design review process with existing historic reviews
<p>Points to Discuss Next Time</p> <ul style="list-style-type: none"> • Goals for each development review process 	<p>Points that need Staff Research</p> <ul style="list-style-type: none"> • Verify land use application numbers from 2012-2014 • Research project types that the Land Use Committee has routinely approved – can these become conforming? • What would happen to the 2018 Special Permit projects under the draft ordinance • What are other communities of Newton’s size doing re: development review process? • More info requested on what would fall into the Section 6 Finding category
<p>Ideas to Come Back to</p> <ul style="list-style-type: none"> • Discuss revisiting the question of which body reviews special permits until 6 months + after adoption to see workload 	



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

MEMORANDUM

DATE: March 22, 2019

TO: Councilor Susan Albright, Chair, Zoning and Planning Committee
Members of the Zoning and Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
James Freas, Deputy Director of Planning
Rachel Nadkarni, Long Range Planner

RE: **#518-18 Discussion and review relative to the draft Zoning Ordinance**
DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the
draft Zoning Ordinance.
Ward-by-Ward Meetings Summary of Notes

MEETING: March 25, 2019

CC: Planning and Development Board
John Lojek, Commissioner of Inspectional Services
Marie Lawlor and Jonah Temple, Law Department

On October 22nd, 2018 the Planning Department released the First Draft zoning ordinance to the City Council at the Zoning and Planning Committee. Since then, with the help of the Committee members, the Planning Department has been introducing the first draft directly to the public in a series of ward-by-ward meetings from November 2018 through March 2019. Staff is appreciative of the time that all of the Committee members took to advertise these meetings to constituents and participate in the proceedings.

At each of the eight meetings, staff presented an overview and introduction to the first draft, but the bulk of these evenings was dedicated to questions, comments, and discussion. These meetings were very well attended, with some meetings exceeding 75 people in attendance. Attendees offered their comments and questions on the first draft and the feedback staff received is helping to shape the development of the second draft. The initial goal was to provide the same presentation at each meeting, but as the series progressed, staff adjusted the content based on constituent feedback, and then more substantially after the buildout analysis was completed to incorporate those findings into the discussion.

Throughout the series there were common threads to the discussion, this memo summarizes the themes of the commentary received at the ward by ward meetings.

Building Standards & Lot Standards

Upon arrival at each meeting residents of that ward were given informational resources by staff about the proposed First Draft zoning. This included the district standards that applied to the proposed district for their property and the building type that most likely matched their home. The intent was to offer residents the most pertinent information to their individual property. Later in the series, staff developed and distributed a summary sheet of all of the building and lot standards, and at the last meeting there was a request for a summary sheet for the current ordinance, something staff is looking into developing now. All the materials and resources made available at the ward-by-ward meetings was also posted on the project website (www.newtonma.gov/zoningredesign) including the slide presentation for each meeting.

Throughout the meetings there was generally a sense that attendees liked the idea of limiting building size in the neighborhoods, with many pointing out that perhaps more needed to be done to limit the size of new houses in the neighborhoods and prevent the risk of teardowns. That said, there were also voices in the audience who were frustrated by the limits on house sizes that were proposed, and wanted to see larger homes allowed, particularly on large lots.

Following the release of the buildout analysis, staff showed the revised standards for building types, and there seemed to be some comfort with the revised building sizes. Particularly, there seemed to be a positive reaction to reducing the size of a 2-unit house to be the same size as the House B, the largest 1-unit house allowed in the areas where 2-unit houses would be allowed.

Residence 3 District

There was a great deal of concern about the Residence 3 District as it was proposed in the First Draft. The primary concern was the proximity rule proposed and the opportunity that that tool afforded for by right development of a 3-10 unit building. There were some who also had concerns about the ability of such a structure to be built by special permit in locations outside of the proximity rule. The feedback received at the ward-by-ward meetings contributed to the staff recommendation in February to not carry the proximity rule forward into the second draft.

There were also calls to consider splitting the Residence district. A number of people pointed out that the diversity of building patterns in the area covered by the Residence 3 district should be reviewed again, since some areas do have numerous 3-10 unit buildings and some areas are comprised of 1-2 unit buildings only. This feedback, along with a second look at the map, led to the staff recommendation to split the Residence 3 District into two districts:

Residence 3: By Right Building types - House B, House C, Two-Unit

Residence 4: By Right Building Types - House B, House C, Two-Unit, 3-Unit Special Permit Building Types - 4-8 Unit

There were also comments that the City should consider expanding the Residence 3 district around transit centers, particularly along the Green line. Staff has consistently stated that our recommendation is for discussions about changes to zoning that do not relate to existing patterns of development be considered as part of planning projects for specific locations. This would allow for more robust community engagement around the extent to which such a change would occur. Should the City Council direct an exploration of what a zoning map with more multi-unit residence zoning could look like, staff would do so at that time.

Housing Needs

A common thread in the questions and comments at the ward-by-ward meetings had to do with the relationship between the draft zoning ordinance and the City's housing goals. A wide range of perspectives on housing were exhibited among the attendees at these meetings. There were some who felt the first draft zoning ordinance created too much new housing, some who felt that more opportunities for multifamily living should be created, some who felt that all districts should allow for multi-family housing as well as single-family housing.

Affordability, both formal deed-restricted affordable housing, and broader issues of housing costs and property values were frequent topics of discussion. There were comments demonstrating a diverse range of interests in how zoning intersects with property values and affordability for middle income families. Many expressed comfort with limiting the size of homes with the understanding that this will make for slightly lower cost homes versus the large homes being constructed today. Others voiced concern that their property values could be negatively affected. Others wanted to see their tax bill not increase, which is, to an extent, dependent on property values not rising. The diverse range of perspectives and concerns was helpful for staff to hear as part of the effort to balance the competing desire for smaller, more affordable, housing in the neighborhoods and the desire for zoning redesign to have no effect on property values.

Tree Canopy and Open Space

At several meetings staff heard comments about strengthening the protections for open landscape and trees. There were calls for strengthening the City's tree ordinance alongside the zoning changes. There were some who felt strongly about having a strict limit on buildable area to ensure green yard space on private properties.

On a bigger scale, there was generally positive reaction to the idea of moving the golf courses and other private recreational land out of the residence districts and into the recreation district.

Accountability of Decision Makers

There were a number of comments stating concern about staff or the Planning Board being involved in decision making stemming from an interest in seeing accountability of those making decisions about development. Staff will be following up with comparison communities who are utilizing appointed resident boards to understand what steps are put in place to ensure accountability: e.g. term limits, confirmation, specific seats for specific expertise, ward representation, recall process, etc.

Complexity

Finally, staff frequently heard the need to simplify and use clear plain language. A number of people expressed the challenge they have of learning zoning for the first time, and that since they are unfamiliar with the current ordinance it is hard to understand the benefits and challenges of making a change. Part of the reason staff began to modify the presentation was to address these comments. Looking ahead to the second draft, it is anticipated that staff will prepare materials necessary to guide constituents as they compare the proposed rules with those in the current ordinance and to strongly commit to simplicity in format, language, and measurements.



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Mayor

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Barney S. Heath
Director

MEMORANDUM

DATE: March 22, 2019

TO: Councilor Albright, Chair, Zoning and Planning Committee
Honorable Newton City Councilors

FROM: Barney S. Heath, Director of Planning and Development
James Freas, Deputy Director of Planning and Development
Lily Canan Reynolds, Community Engagement Manager
Rachel B. Nadkarni, Long-Range Planner

RE: **#220-18 Progress reports on Washington Street Visioning Project**

MEETING DATE: March 25, 2019

CC: Jonathan Yeo, Chief Operating Officer
Planning and Development Board
Urban Design Commission

On February 11th, 2019 the planning team released Draft Two of the Washington Street Vision Plan and Zoning. In February and March, the community engaged in a month-long comment period. The planning team is now in the process of reviewing all comments received by the community and will be providing a summary document later this spring. Comments will also be posted online so everyone can read them directly.

Over the next several months the Committee will be undertaking a thorough review of these two lengthy documents. The City's consultant, the Principle Group, will prepare a Final Draft of the Vision Plan and Zoning based on feedback in April for consideration by City Council. At the request of Committee Chair Councilor Albright, members of City Council have sent written comments to staff in order to facilitate the Committee's review. Considering the workload of the committee, a goal is to coordinate discussion items and organize the review in an efficient manner. This review process is intended to take the place of a 'page by page' review.

Naturally some topics will require more discussion than others. Staff has compiled all written comments and questions from Councilors and organized them according to topic and degree of complexity. The intent of the meeting on March 25th, 2019 is to begin to work through the Councilor comments received to date, starting with those that appear to

require less discussion. At upcoming meetings on April 4th & April 8th, 2019 the Committee will continue its review process. Following these three meetings dedicated to review of Draft Two, the planning team will present the Final Draft to the Committee on April 22nd, 2019.