

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, JUNE 23, 2014

7:45 PM
Room 202

ITEMS SCHEDULED FOR DISCUSSION:

Appointment by His Honor the Mayor

#232-14 BARBARA COUTURIER, 24 Channing Road, Newton Centre, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 31, 2017 (60 days 08/15/14) [06/09/14 @ 3:08PM]

Appointment by His Honor the Mayor

#233-14 DAVID SWANSON, 29 Boylston Road, Newton Highlands, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 31, 2017 (60 days 08/15/14) [06/09/14 @ 3:08PM]

Appointment by His Honor the Mayor

#234-14 HOWARD BARNSTONE, 26 Brackett Road, Newton Centre, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 31, 2017 (60 days 08/15/14) [06/09/14 @ 3:08PM]

Appointment by His Honor the Mayor

#235-14 JOYCE PLOTKIN, 250 Hammond Pond Parkway, Chestnut Hill, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 31, 2017 (60 days 08/15/14) [06/09/14 @ 3:08PM]

Appointment by His Honor the Mayor

#236-14 BARBARA HUGGINS, 122 Albemarle Road, Newtonville, appointed as a member of the ZONING BOARD OF APPEALS for a term to expire February 7, 2106 (60 days 08/15/14) [06/09/14 @ 3:08PM]

#263-13 ALD. JOHNSON & ALBRIGHT requesting that the Planning Department document a clear and transparent process for the establishment of housing that complies with Massachusetts Chapter 40B statute so that citizens are knowledgeable of the steps needed, decision making points and decision makers. [07/15/13 @ 2:09PM]

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, please contact John Lojek, at least two days in advance of the meeting: jllojek@newtonma.gov, or 617-796-1064. For Telecommunications Relay Service dial 711.

- #237-14 ALD. SANGIOLO on behalf of concerned citizens requesting a one-year moratorium on the demolition of single- and two-family homes. [06/12/14 @ 10:45AM]
- #238-14 ALD. SANGIOLO requesting the Executive Department and Planning Department work with the Board of Aldermen to develop a Housing Production Plan in accordance with 760 CMR 56.03(4) and guidelines adopted by the Department of Housing and Community Development as soon as possible. [06/09/14 @ 11:55AM]
- #80-13 THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project. [02/25/13 @ 12:31 PM]

ITEMS NOT SCHEDULED FOR DISCUSSION:

- #113-14 DIRECTOR OF PLANNING & DEVELOPMENT requesting discussion regarding Newton's Historic District Commissions and ways to optimize staff and Commission oversight to further the goals of historic preservation. [03/28/14 @ 11:06 AM]
- #54-14 ALD. ALBRIGHT AND JOHNSON requesting discussion with the Commissioner of Inspectional Services to discuss monitoring compliance with the legally designated seat capacity in Newton's restaurants. [02/14/14 @ 3:06 PM]

REFERRED TO ZONING & PLANNING, LAND USE & FINANCE COMMITTEES

- #273-12 ALD. CROSSLEY & HESS-MAHAN requesting a restructuring and increase in fees for permits charged by the Inspectional Services Department and fees charged by the Planning Department and City Clerk to assure that fees are both sufficient to fund related services provided and simple to administer
- #212-14 BOARD OF ALDERMEN requesting a discussion with the Executive and Inspectional Services Departments and the Commission on Disability regarding the creation of full-time positions to address the city's need re 1) ADA requirements and 2) zoning enforcement, including State building code, Newton's zoning ordinance, and special permits. [05/23/14 @ 11:03AM]

REFERRED TO ZAP, PROG & SERV AND FINANCE COMMITTEE

- #397-13(3) ALD. SANGIOLO AND DANBERG requesting creation of an ordinance to protect trees deemed historic by the Historical Commission and the City's Tree Warden. [05-05-14 @ 4:32 PM]
- #140-14 ALD. CROSSLEY AND HESS-MAHAN requesting to amend **Chapter 30**, City of Newton Zoning Ordinances, to include a "lodging house" ordinance to promulgate rules requiring annual fire, safety and health inspections and licensing of buildings providing single room occupancy and/or congregate living arrangements. [04/04/14 @ 6:29 PM]
- #139-14 ALD. ALBRIGHT requesting to amend **Chapter 30**, City of Newton Zoning Ordinances, to clarify rules relative to retaining walls. [04/09/14 @ 8:32 AM]
- #429-13 ALD. HESS-MAHAN requesting repeal and/or amendment of Zoning Ordinances Section 30-1, Definitions, 30-8(b)(2), Special Permits in Single Family Residential Districts, and 30-10(d)(4), Number of Parking Stalls, concerning "Congregate Living Facility", as required by federal and state anti-discrimination and fair housing laws and regulations. [12/06/13 @ 9:51 AM]
- #428-13 ALD. HESS-MAHAN requesting periodic updates on complaints of discrimination filed against the City of Newton under Section 504 of the 1973

Rehabilitation Act, the Fair Housing Act, and Title II of the Americans with Disabilities Act, based on the City's denial of housing and exclusion from participation by people with disabilities in the Newton HOME and CDBG programs filed with the U.S. Department of Housing and Urban Development. [12/06/13 @ 9:51 AM]

#427-13 ALD. HESS-MAHAN requesting discussion and periodic updates of steps the City of Newton is taking to ensure that its implementation of the Consolidated Plan, Annual Action Plan and Citizen Participation Plan and use of CDBG, HOME and ESG funds comply with federal and state fair housing and anti-discrimination laws and regulations, and its duty to affirmatively further fair housing. [12/06/13 @ 9:51 AM]

#426-13 ALD. HESS-MAHAN requesting periodic updates on development of the Consolidated Plan for the City of Newton Housing and Community Development Program and the WestMetro Home Consortium. [12/06/13 @ 9:51 AM]

#407-13 HIS HONOR THE MAYOR requesting discussion relative to establishing a Regional Technology Center in Newton under the state's Economic Development Incentive Program. [11/12/13 @ 4:47 PM]

Public Hearing to be assigned:

#404-13 NATASHA STALLER et al. requesting a revision to the zoning District boundary Lines so as to transfer from Multi-Residence 1 District to a Single Residence 3 District the following properties:
Assessors' parcels SBL nos. 61-037-0004 through 61-037-0013; 61-042-0007 through 61-042-0023; 65-019-0001; 65-019-0007 through 65-019-0012; 65-019-0014 through 65-019-0022; 65-019-0009A; 65-019-0017B and 65-019-0022A. Also requesting transfer from a Single Residence 2 District to a Single Residence 3 District SBL no. 65-019-0015A. [11/01/13 @ 12:57 PM]

A MOTION TO AMEND THE PREVIOUSLY APPROVED POSTPONEMENT OF DOCKET ITEM #404-13 TO APRIL 7, 2014 TO SUBSTITUTE RECOMMITAL OF THE ITEM TO THE ZONING & PLANNING COMMITTEE WAS APPROVED BY VOICE VOTE ON MARCH 17, 2014.

#267-13 LAND USE COMMITTEE proposing to amend Section 30-21(c) to permit de minimis relief for alternations, enlargements, reconstruction of or extensions to lawfully nonconforming structures in which the nonconformity is due to Floor Area Ratio (FAR) requirements set out in section 30-15(u) Table A, subject to administrative review by the Planning Department.

#266-13 ALD. YATES requesting that the Law Department provide the Zoning & Planning and Land Use Committees and other interested members of the Board with legal advice on what parties have standing to challenge zoning ordinances and the relevant court cases involving uniformity. [08/05/13 @ 12:28PM]

- #128-13 ALD. ALBRIGHT, FULLER, CROSSLEY, LAREDO requesting the creation a comprehensive, 10-year strategic plan for Newton's conservation lands which would include a multi-year prioritized list of short-term and long-term projects with appropriate estimated budget. This plan should be finished in time to include high priority item(s) in the FY15 Budget, with any project exceeding \$75,000 added to the Capital Improvement Plan. [03/15/13 @ 10:56 AM]
- #81-13 DIRECTOR OF PLANNING & DEVELOPMENT on behalf of the Newton Housing Partnership requesting consideration of naturally affordable compact housing opportunities in MR1 zones. [02/22/13 @ 1:13 PM]
- #65-13 ALD. YATES, FISCHMAN, KALIS requesting that Chapter 30 be amended to require a special permit for major topographic changes. [02/12/13 @ 12:30 PM]
- #64-13 NEWTON HISTORICAL COMMISSION requesting the creation of an administrative permitting process for converting historic barns and carriage houses into accessory apartments to assist in their preservation. [02/05/13 @ 11:35 AM]
- #308-12 ALD. HESS-MAHAN & ALBRIGHT requesting a discussion with the Mayor's office and the Planning & Development Department of policies, procedures, and criteria relating to determinations concerning expenditures of Community Development Block Grant (CDBG) funds. [10/09/12 @3:59 PM]
- #282-12 ALD. JOHNSON, CROSSLEY, DANBERG, SANGIOLO requesting quarterly reports, starting the last month of the quarter beginning December 2012, Re-implementation of *Ramping Up: Planning for a More Accessible Newton*. [09-09-12]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #257-12 RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates.

REFERRED TO PROG & SERV, PUB. FAC., ZAP, AND FINANCE COMMITTEES

- #256-12 ALD. HESS-MAHAN, SANGIOLO & SWISTON proposing and ordinance promoting economic development and the mobile food truck industry in the City of Newton. [08/06/12 @4:46 PM]
- #11-12 ALD. HESS-MAHAN & LINSKY requesting discussion on the implementation and enforcement of the provisions of Section 30-5(c)(1) of the Newton

Ordinances which requires that “[w]henver the existing contours of the land are altered, the land shall be left in a usable condition, graded in a manner to prevent the erosion of soil and the alteration of the runoff of surface water to or from abutting properties.” [1/11/12 1:01PM]

#152-10 ALD. BAKER, FULLER, SCHNIPPER, SHAPIRO, FISCHMAN, YATES AND DANBERG recommending discussion of possible amendments to **Section 30-19** of the City of Newton Ordinances to clarify parking requirements applicable to colleges and universities. [06/01/10 @ 4:19 PM]

#61-10 ALD. CICCONE, SWISTON, LINSKY, CROSSLEY AND HESS-MAHAN requesting a discussion relative to various solutions for bringing existing accessory and other apartments that may not meet the legal provisions and requirements of Chapter 30 into compliance. [02/23/10 @ 2:48 PM]

#391-09 ALD. DANBERG, MANSFIELD, VANCE AND HESS-MAHAN requesting an amendment to §30-19 to allow payments-in-lieu of providing required off-street parking spaces when parking spaces are waived as part of a special permit application.

#164-09(2) ALD. HESS-MAHAN requesting that the Planning Department study the dimensional requirements for lot and building size for accessory apartments and make recommendations for possible amendments to those dimensional requirements to the board of Aldermen that are consistent with the Newton Comprehensive Plan. [01/07/10 @ 12:00 PM]

ZONING REFORM – PHASE 1

#222-13 ALD. HESS-MAHAN, ALBRIGHT, BAKER, CROSSLEY, DANBERG, FISCHMAN & JOHNSON proposing to amend the definitions of "Common roof connector", "Common wall connector", and "Dwelling, two-family" in **Chapter 30, Section 30-1** of the City of Newton Zoning Ordinances. [06/07/13 @ 1:31 PM]

#129-13 ALD. HESS-MAHAN proposing to amend and/or clarify definition and provisions for granting a special permit for “attached dwellings” in the City of Newton Zoning Ordinances, **Chapter 30-1, 30-8(b)(13) and 30-9(b)(5)**. [05/25/13 @5:14 PM]

#220-12 RECODIFICATION COMMITTEE recommending that the table in Sec. 30-8(b)(10)a) be clarified with respect to “lot width,” “lot area,” or “lot frontage.”

#219-12 RECODIFICATION COMMITTEE recommending that Sec. 30-5(b)(4) as most recently amended by Ordinance Z-45, dated March 16, 2009, be amended to reconcile the apparent discrepancy relative to the definition of “structure.”

- #218-12 RECODIFICATION COMMITTEE recommending that Sec. 30-19(g)(1) be amended to clarify “sideline” distance, which is a reference to an undefined concept.
- #217-12 RECODIFICATION COMMITTEE recommending that Secs. 30-19(d)(1) and 30-19(g)(1) relative to the number of tandem parking stalls allowed in the side setback (two) and the number of tandem parking stalls (one) allowed in the setback for parking facilities containing less than five stalls be amended to make the both sections consistent.
- #216-12 RECODIFICATION COMMITTEE recommending that the definition of “Space, usable open” in Sec. 30-1 be amended by removing the exemption for exterior tennis courts as they are now classified as structures.
- #65-11(3) ZONING AND PLANNING COMMITTEE requesting that the terms “flat roof” and “sloped roof” be defined in the zoning ordinance.
- #154-10(2) ZONING AND PLANNING COMMITTEE requesting to amend **Section 30-1 Definitions** by inserting revised definitions for “lot line” and “structure” for clarity. [04-12-11 @ 11:34AM]
- #154-10 ALD. JOHNSON, CROSSLEY and HESS-MAHAN requesting to amend **Section 30-1 Definitions**, by inserting a new definition of “lot area” and revising the “setback line” definition for clarity. [06/01/10 @ 9:25 PM]

ZONING REFORM – PHASE 2

- #264-13 ALD. YATES requesting that the Zoning Reform Group or its successor consider amending City of Newton Zoning Ordinances Chapter 30 to develop additional residential districts reflecting the small lots in older sections of the City and map changes to bring the zones of more residential sections of the City into conformity with the existing land uses. [08/05/13 @ 12:28PM]
- #153-11 ALD. DANBERG, ALBRIGHT, HESS-MAHAN, JOHNSON requesting that Chapter 30 be amended by adding a new Sec. 30-14 creating certain Retail Overlay Districts around selected village centers in order to encourage vibrant pedestrian-oriented streetscapes which would allow certain uses at street level, including but not limited to financial institutions, professional offices, and salons, by special permit only and require minimum transparency standards for street-level windows for all commercial uses within the proposed overlay districts. [05- 10-11 @ 3:19 PM]

Respectfully Submitted,

Marcia T. Johnson



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

June 9, 2014

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to appoint Barbara Couturier of Channing Road, Newton as a member of the Economic Development Commission. Her term of office shall expire May 31, 2017 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,


Setti D. Warren
Mayor

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Newton City Clerk
2014 JUN -9 PM 3: 10
David A. Olson, CMC
Newton, MA 02459



BARBARA COUTURIER

Newton Centre, MA 02159

QUALIFICATIONS SUMMARY

Senior marketing professional with expertise in alliance/business development, competitive analysis, solution development, strategy, negotiations and sales/channel enablement. Industry knowledge across servers, storage and services solutions, with focused knowledge in cloud, telecommunications and business intelligence. Solid understanding of launch and lifecycle planning, business case development, and marketing/public relations. Skilled communicator/presenter and strong team leader.

PROFESSIONAL EXPERIENCE**UNISYS CORPORATION**, Blue Bell, PA**2009-Present****Director, Global Partner Management, Technology, Consulting, and Integration Solutions**

Manage global alliances for the business unit, across multiple portfolios. Responsible for strategic alliance management, marketing, contract negotiation and sales readiness/enablement.

- Lead direct and cross-business unit teams for key alliances across Cloud, Security and Data Center Transformation portfolios. Directly responsible for driving marketing and solution development to increase revenue and market share with strategic partners.
- Developed overall strategy and business case for developing key alliances and partnerships. Rationalized level of investment to focus on key partners. Work directly with sales team to support and win strategic opportunities and engage with additional partners to complement and augment solution capability. Develop business cases and competitive assessments.
- Lead various teams to identify growth opportunities, complete comprehensive analyses and identify key partner technologies to complement services capabilities.
- Conducted analyses of partner contracts and worked closely with legal to negotiate multiple contracts and improve terms and reduce risk for Unisys.
- Lead development of sales/channel engagement to ensure field/channel readiness and ability to drive sales.

HEWLETT-PACKARD COMPANY, Marlborough, MA**2002-2009****Global Alliance Manager, HP Technology Solutions Group (2006 – May 2009)**

Manage worldwide alliance with SAP Business Objects. Led team of partner engineering, marketing communications, and services to develop strategy, differentiated solutions, increase market share and drive revenue. Led Business Intelligence Portfolio Partner Program.

- Drove market share to increase HP's influenced revenue with SAP Business Objects by 20%.
- Developed strategy and business analysis for SAP Business Objects alliance and BI mid-tier partner program. Closed Master Global Alliance Agreement, which included OEM, resell, port/product optimization, working across multiple business units.
- Led the development of Business Intelligence Partner Advantage Program to provide a standard process to engage mid-tier partners, evaluate potential acquisitions, and drive revenue leveraging the channel. Initiated development of several appliance offerings, including a solution with Vertica, who was acquired by HP.

BARBARA COUTURIER

PAGE 2

- Executed sales enablement activities (value proposition, competitive positioning, webinars, presentations, joint briefs and white papers) to directly influence sales capabilities.
- Awarded TSG Marketing & Alliances All-Star Award for supporting a major product launch, resulting in a worldwide pipeline and pro-active sales engagement on key accounts.

Global Alliance Manager, VMware, Technology Solutions Group (2002 – 2006)

Managed worldwide alliance with market leader in x86 virtualization software. Led direct/virtual team of partner engineering, pre-sales, marketing communications, services. Worked with direct and channel sales to increase market share and meet revenue goals.

- Grew HP's market share of VMware license sales significantly to surpass IBM in 2 ½ years
- Worked closely with field/ legal division to negotiate and close a large deal (>\$300M).
- Collaborated on a strategic direction to create a differentiated, customer-centric solution. Developed strategy, competitive positioning, and developed specific analyses for key customer opportunities.
- Led product management efforts to launch solutions through business unit to channel partners.
- Engaged client-facing teams and channel partners in joint account planning.
- Developed positioning strategy for VMware, Microsoft, Citrix and HP solutions for field teams.
- Planned and led executive quarterly business reviews, focused on identifying business opportunities, refining strategy, building business cases and executing on plan.
- Received multiple individual and team awards.

COMPAQ COMPUTER CORPORATION, Marlborough, MA /Nashua, NH 1998 - 2002

Solutions Marketing Manager

Led solutions marketing efforts to develop and promote unique and emerging market solutions for two server platforms/technologies. Evangelist and frequent presenter.

- Increased sales capabilities by developing Linux marketing plan and regional GTM initiatives.
- Led alliances for video/media market, with Microsoft, Oracle, and Avid. Managed Microsoft Windows Media Group and Network Service Provider Group relationships Increased leveraged server and storage revenue by creating a portfolio program and recruiting complimentary partners.
- Led solutions launches and analyst briefings; developed sales tools and demand generation campaigns; evangelist and speaker at industry events.
- Received Award for Outstanding Contribution (2 years)
- Led cross-organizational virtual teams in marketing, sales enablement and development organizations. Developed sales tools and competitive positioning.

EDUCATION AND PROFESSIONAL DEVELOPMENT

University of New Hampshire, Durham, NH

- **B.A.** Business Administration and French

Northeastern University, Boston, MA

- **M.S.** College of Engineering, Information Systems

Dartmouth College, Tuck School of Business, Hanover, NH

- **Tuck Bridge Program, Marketing.**

#233-14



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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June 9, 2014

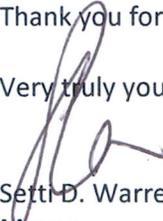
Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to appoint David Swanson of Boylston Road, Newton as a member of the Economic Development Commission. His term of office shall expire May 31, 2017 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,


Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2014 JUN -9 PM 3:09
David A. Olson, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

David F. Swanson

29 Boylston Road ▪ Newton, MA 02461 ▪

BAR ADMISSION

- Member of the Massachusetts State Bar (2012-present).

WORK EXPERIENCE

Joint Committee on Economic Development & Emerging Technologies

Office of State Representative Joseph F. Wagner, Chairman, Boston, MA

March 2013-present

Legal Counsel: Draft legislation and prepare Committee redrafts of bills. Serve as the primary legal contact for industry lobbyists, advocacy groups and individuals on all issues pending before the Committee.

Governor's Office of Policy & Cabinet Affairs, Boston, MA

October 2012-February 2013
November 2011-February 2012

Policy Fellow: Prepared research reports, analyzed bills and regulations, reviewed testimony and talking points, wrote internal memoranda and provided policy recommendations. Conducted research and analysis on a wide range of policy topics, including education, financial services, healthcare, environmental affairs, transportation, energy initiatives, elder affairs and economic development issues. Worked with the eight Executive Branch Secretaries and their staff to promote Governor Deval Patrick's policy priorities and agenda. Assisted the Director of Policy and Cabinet Affairs during meetings with outside stakeholders, constituents and cabinet secretaries and their staff. Observed formal legislative sessions of both the Massachusetts Senate and House of Representatives.

O'Neill and Associates, Boston, MA

August-October 2011

Lobbying & Government Relations Intern: Provided general support for this lobbying firm, which specializes primarily in state and local government relations and media communication. Duties included conducting legal and non-legal research, drafting internal memoranda and sitting in on client meetings.

Governo Law Firm LLC, Boston, MA

May-August 2011

Law Clerk: Provided litigation support for this medium-sized firm, which specializes in insurance, product liability and toxic tort defense litigation. Drafted various discovery and pre-trial motions, including Motions in Limine, Motions to Compel, subpoenas and notice of deposition. Other duties included researching and analyzing medical records and case law, drafting internal memoranda, developing and conducting fact investigations and preparing and attending witness depositions and trials to assist in development of defense strategies.

The Honorable Norman H. Stahl

November 2010-February 2011

United States Court of Appeals, First Circuit, Boston, MA

Judicial Intern: Conducted legal research and wrote twelve bench memorandums on a variety of civil and criminal cases. Topics included a civil RICO suit, the Younger abstention doctrine, a federal takings claim, search and seizure violations under the 4th Amendment and a franchisee-franchisor contract dispute. Observed and assisted Judge Stahl in appellate court proceedings.

The Honorable Magistrate Judith G. Dein

June-August 2010

United States District Court (D. Mass.), Boston, MA

Judicial Intern: Conducted legal research and drafted judicial opinions on various civil and criminal law issues,

including judicial standing, trademark infringement and freedom of expression under the 1st Amendment. Observed and assisted Judge Dein in courtroom proceedings, mediation hearings and pretrial conferences.

EDUCATION

Northeastern University School of Law, Boston, MA

J.D., May 2012

- Honors: • Dean's Scholarship Recipient (2009-12).
- Activities: • Symposium Editor (2011-12) and Staff Member (2010-11), *Northeastern University Law Journal*.
• Social Justice Project – assisted the New England Regional Council of Carpenters by conducting legal research and writing a report proposing legal and legislative strategies to combat the misclassification of workers in the construction industry (2009-10).
- Leadership: • Teaching Fellow – a student instructor for required 1L course focusing on research, writing and critical legal practice skills, which culminated in a social justice project for the United Nations Special Rapporteur on Violence Against Women (Fall 2010).
• Elected Vice President of Programs & Administration, Northeastern University's Graduate Student Government (2011-12).
• Elected student representative of the Student Bar Association, member of the Public Interest and Judicial Clerkship Committees (2010-12).

Bowdoin College, Brunswick, ME

B.A. in Government & Legal Studies with a minor in Theater, May 2009

- Honors: • New England Small College Athletic Conference All Academic Team (2007-09).
• Sarah and James Bowdoin Scholar, Dean's List (2006-07).
• Simon Gray Prize Winner for most distinguished work in a politics course at the University of Edinburgh (Fall 2007).
- Activities: • Captain (2008-09), and Team member (2005-09), Swim Team.
• Captain (2008), and Team member (2005-09), Club Water Polo Team.
• Director of a One-Act Play, Bertolt Brecht's "The Informer" (Spring 2006).
- Study Abroad: • International Human Rights at the **University of Edinburgh**, Edinburgh, Scotland (Fall 2007).

VOLUNTEER EXPERIENCE

Massachusetts Democratic Party Get Out the Vote, Campaign 2012

September-November 2012

Campaign Volunteer: Supported the efforts of various federal and state Massachusetts campaigns, including Elizabeth Warren for U.S. Senate, Joe Kennedy for Congress and Barry Finegold for State Senate. Duties included canvassing, phone banking, sign holding, distributing lawn signs and literature pamphlets and reporting poll numbers on Election Day.

Annual Polar Bear Triathlon Bowdoin College, Brunswick, ME

April, 2006-09

Triathlon Volunteer: Volunteered to help set-up and organize the annual Polar Bear Triathlon, hosted by Bowdoin College. Duties included pre-race registration, triathlon route setup, pool, bike and run monitoring, race clean-up and planning post-race festivities. All Polar Bear Triathlon proceeds donated to the city of Brunswick's community-youth athletic programs.



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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(617) 796-1100
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(617) 796-1113
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June 9, 2014

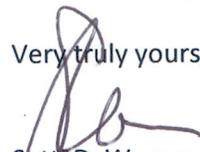
Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to appoint Howard Barnstone of Brackett Road, Newton as a member of the Economic Development Commission. His term of office shall expire May 31, 2017 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,


Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2014 JUN -9 PM 3:09
David A. Oison, CMC
Newton, MA 02459



Howard Barnstone
26 Brackett Rd
Newton, MA 02458

Summary

- Extensive financial services experience (over 20 years) in a variety of roles: VP Corporate Development, Strategy and Acquisitions; VP Product Development; VP Operations; lead negotiator; and lead author of strategic business plans, acquisition and product development proposals.
- Proven leadership in executing complex business projects requiring dedicated participation by functional areas (finance, sales, operations, etc.).
- Expert written and verbal skills; extensive experience presenting business proposals to CEOs, CFOs and Board of Directors.
- Domain expertise in financial data and information.
- Created new Front/Middle/Back office product applications for the financial services industry.
- Proven ability to analyze complex business opportunities in the areas of acquisitions, joint ventures, and strategic alliances.
- Excel at identifying and structuring non-traditional revenue generating opportunities through joint-ventures, partnerships and alliances.
- Exceptionally skilled at translating dense business and technical information into clear specifications.
- Expert negotiator of complex agreements.
- Extensive transactional experience including valuation, due diligence planning and review, and agreement negotiations.
- Expert knowledge of interpreting financial statements.

Skills

Industry Knowledge	Business Valuation, Financial Data, Agreements for Acquisitions, Joint Ventures, and Strategic Alliances, Financial Services Industry. Solid understanding of internet presentation of financial, news, and other data, Negotiation best practices.
Management Style	Highly collaborative style; achieves results by working with and through others, strong leadership skills.
Communication Skills	Exceptional writing and verbal skills; ability to prepare and present information to a broad diverse audience.
Personal Skills	Expert negotiator, highly analytical, team player, attentive listener, excellent sense of humor

Professional Experience

HLB Consulting, Newton, MA

2012 to present

Strategic, market development and general business consulting for startup firms as well as early stage development. Strategic partnership, capital raising, strategic planning, negotiation strategy, and market positioning analysis.

Howard Barnstone
26 Brackett Rd
Newton, MA 02458

- Determined capital and operational needs to support strategic growth.

Lead negotiator for enterprise wide strategic agreements. Developed negotiation strategies, coordinated with Legal in developing the final agreements.

- *Prism Valuation* - Led negotiations of minority investment in a startup derivative evaluations firms. Defined mechanism for option to acquire 100% of the firm at certain P&L goals.
- *Markit Partners Agreement*- multi-year, multimillion dollar supplier agreement for derivative data, redistribution of derivative data, and supply of Interactive Data information to Markit.
- *Intex Agreement* - multiyear, multimillion dollar supply agreement for structured mortgage data critical to the fixed income evaluation operations at Interactive Data.
- *S&P CUSIP Agreement*- securities identifier agreement central to the financial information business, secured favorable multi-year agreement.

Participated in developing adjacent product revenue streams. Analyzed opportunities and developed business plans for promising opportunities. Representative efforts:

- *2006 Fair Value Product* - \$20 million revenue product, adjusts security evaluations which prevent investors from time zone arbitrage investing. Strong adoption by mutual fund clients.
- *2008 Entity Linkage* - \$1 million revenue, recent launch allows clients to determine the extent to which they have investments with a particular firm (i.e. IBM, State Street Bank, etc.).
- *2009 CDS derivative evaluations* - created the ability to evaluate credit default swaps.

Vice President, North American Products and Operations **1997 – 2001**

Managed \$80 million in revenue of North America products including new product development, strategic pricing, and daily production. Managed a group of 80 professionals.

Director, Data Management and Data Acquisitions **1992 – 1997**

Managed 65 global data sourcing relationships with a total budget of \$5 million. Managed a group of 10 professionals who facilitated the integration of the data into products and services.

Business Manager, Data Acquisitions and Budget **1986 – 1992**

Negotiated \$3 million of data sourcing agreements, prepared \$25 million expense budget for the system software, operations and network groups.

Codex , Mansfield, MA, Business Analyst **1984 – 1986**

A wholly owned business unit of Motorola Corporation, manufacturer of network and data communication equipment

Reporting to the SVP of manufacturing, performed all manufacturing business analysis, capital budgeting, and expense budgeting.

Tyco International, Exeter, NH, Internal Auditor **1983 – 1984**

Howard Barnstone
26 Brackett Rd
Newton, MA 02458

A NYSE listed fortune 500 conglomerate manufacturing company

Member of the internal audit team of 6 professionals who conducted financial and operational audits of the electronic, building and manufacturing business units.

Education

University of Massachusetts, Amherst, MA

Bachelor of Arts, Economics, Cum Laude, May, 1980

Northeastern University, Boston, MA

Master of Business Administration, Finance, May, 1982

University of Massachusetts, Boston, MA

Graduate Certificate in Dispute Resolution, December, 1989

2 year program, post graduate 5 course program in negotiation and mediation.

#235-14



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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E-mail
swarren@newtonma.gov

June 9, 2014

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to appoint Joyce Plotkin of Hammond Pond Parkway, Newton as a member of the Economic Development Commission. Her term of office shall expire May 31, 2017 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,


Setti D. Warren
Mayor

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1000 Commonwealth Avenue Newton, Massachusetts 02459

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JOYCE L. PLOTKIN

Founder, Chair, & CEO - The DIGITS Project
Vice Chair of the Executive Committee - Governors STEM Advisory Council
President Emerita, Massachusetts Technology Leadership Council, Inc.

A long-time technology leader and STEM (science, technology, engineering and math) activist, Joyce Plotkin is Founder and CEO of The DIGITS Project and a gubernatorial appointee to the Massachusetts statewide STEM Advisory Council, where she serves as Vice Chair of the Executive Committee and co-chair of the Public Awareness Subcommittee. DIGITS is a STEM education program that pairs STEM professionals with sixth grade classes to increase middle school students' interest in STEM subjects and careers. She is responsible for the program's leadership and direction, progress and growth, content, fundraising, and external relations. The program has successfully reached 51,910 students in 4 years.

She is also President Emerita of the Massachusetts Technology Leadership Council where she managed the trade association that represented the software/Internet industry in Massachusetts for 22 years. Under her leadership, the Council helped many entrepreneurs start, manage, grow and finance their companies. The organization received broad recognition for several innovative workforce development projects that were developed locally but served as models nationally. She represented the Council on local, state, national and international technology and workforce committees and established global partnerships with the software communities in Canada, Ireland, Northern Ireland, Korea, and Russia. In cooperation with the Russian software industry association, the Council hosted Mikhail Gorbachev, Nobel Laureate and former President of the Soviet Union at an industry meeting. Joyce was the driving force behind several important local initiatives -- playing a major role in the passage of the first computer crime legislation in Massachusetts, chairing the organizing committee for the statewide Net Day effort (to install computers and bring Internet access to hundreds of K-12 public schools), and co-chairing Mayor Thomas Menino's Boston Wireless Task Force.

She serves as an Overseer (and former Trustee) of the Boston Museum of Science and a member of the Board of Visitors for Northeastern University's College of Business Administration. Previously, she served as an Overseer of the Boston Symphony Orchestra and on the boards of the Greater Boston Chamber of Commerce, United Way of Massachusetts Bay, ArtsBoston, The Boston Club, and the Information Technology Association of America. She is a co-founder and past chair of TECNA - Technology Councils of North America -- a national network of technology associations. Prior employment included serving in a variety of positions at New England Council, Harvard School of Public Health, US Office for Civil Rights, Blue Shield of Massachusetts, and Channel 7 TV News. In the past, she served as a year-long consultant to the Mass Commerce Department (now Economic Development Department) and as a member of the City of Newton Planning Board. She is the recipient of six leadership and achievement awards.



STEM Projects
1992-2008

Under the Leadership of Joyce Plotkin, President
Massachusetts Technology Leadership Council

K-12 Programs

Switched-on Classroom

Description – wrote/published a guide to help public schools develop technology plans and provided sources for educational content;

Partners – Council led the effort; partners were technology company executives; school superintendents, teachers unions; math and science teachers associations; Commissioner of Education

Impact – distributed free to every public school in the state just as state officials mandated that each school district have a tech plan before it could get any state dollars for technology; *New York Times* article led to national/international distribution

Mass Tech Corps

Description - assembled a corps of volunteers from the technology community to help schools write and implement tech plans, provide on-line curriculum resources, educate teachers on how to use the Internet

Partners – Council created the initiative with *ComputerWorld* publisher who branded the initiative and gave the project free advertising which was used to recruit volunteers

Impact - 800 people volunteered in 70 school districts across the state; served as model for US Tech Corps

Net Day

Description – helped to install and network computers and gets Internet access into public schools; organized training sessions to educate teachers on using the Internet

Partners – Initiated by Senator Edward M. Kennedy, co-chaired by Council President; had a 70-person Organizing Committee; key partners – technology companies, schools, unions (teachers, electrical workers, school custodians), Department of Education

Impact – helped to wire half of the public schools in Mass (1,000); 15,000+ volunteers participated; \$30+ million worth of products and services were donated to the schools

Educational Foundation

Description – recognize teachers, students, administrators, and volunteers who did an outstanding job of integrating technology into classrooms; recognize middle school math and science teachers who excite kids about math and science; teacher gets plaque for classroom; school gets tech grant \$1-5,000)

Partners – Council initiative; Commissioner of Education personally handed out the awards because he said there were so few corporate programs that recognized teachers; Selection Committee of tech executives, teachers, other STEM activists

Impact – Recognized approximately 100 teachers; program has been credited with incenting teachers to go after bigger grants and awards from state and national programs

K-12 Technology Standards

Description – asked by the former Commissioner of Education (K-12) to update tech standards for the state

Partners – Dept. of Education (DOE); Advisory Committee of tech executives, tech administrators from schools, STEM activists

Impact – voluntary standards approved by DOE for use throughout the state

Higher Education

Boston University Design Project

Description - Match approximately 30 graphic design students (seniors, grad students) per year with 8-12 member companies for such design projects as logo, web site, collateral materials

Partners – Council initiated; member companies, Boston University School of Fine Arts - Design Dept.

Impact – Companies get new communications materials for minimal cost (up to \$1500 paid to student for rights to design). Over 300 students got a “real-world” work experience.

Workforce Training

Fellowship Program

Description – re-trained laid-off workers for jobs in the software industry during the late 90s; provided them with fellowships in tech companies; 5-month program

Partners – Council initiative; partners include technology companies, US Department of Labor, State Department of Employment & Training

Impact – re-trained 600 people; had over 95% placement rate

Research/Advisory Role for National Science Foundation Projects in partnership with University of Massachusetts

- Council members served as the study population for first-ever NSF funded research project on men and women in the IT work environment; focused on incentives and barriers for women entering IT;
- Participated in conference to recommend changes in the teaching of computer science in higher ed;
- Serve on the National Visiting Committee for a NSF project to provide a path for urban tech ed students from high school to community college to state university;
- Serve on the Advisory Committee for a UMass project funded by NSF’s Broadening Participation in Computing initiative.

Other

- Served on the task force that created, and chaired the Advisory Board that set priorities for, a UMass program - the **Commonwealth IT Initiative** - which provides grants for professional development of teachers and upgrading of curriculum; also created an IT minor to supplement any major.
- Appointed by Mayor Menino of Boston to chair two technology-related committees for the Boston Public Schools (BPS):
 - LINC - Advisory Committee for developing the technology plan for BPS and
 - Project Refresh - encourages companies to donate used computers (up to 3 years old) to BPS



SETTI D. WARREN
MAYOR

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David A. Olson, CMC
Newton, MA 02459

June 9, 2014

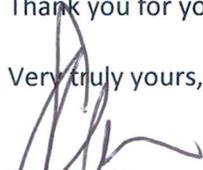
Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to reappoint Barbara Huggins of 122 Albemarle Road, Newton as a member of the Zoning Board of Appeals. Her term of office shall expire February 7, 2016 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,


Setti D. Warren
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

Barbara Huggins
122 Albemarle Road
Newton MA 02460

Academic

Master of Arts
Tufts University
Graduate Department of
Urban and Environmental
Policy and Planning

Juris Doctor
Boston University
School of Law

Bachelor of Arts
University of Pennsylvania

Professional

Admitted to the bar
in Massachusetts
and Mississippi

INTRODUCTION

Barbara Huggins is a partner in the law firm of Huggins and Witten, LLC, where her practice includes municipal and land use law. Prior to joining the firm, then Daley and Witten, Ms. Huggins served as Law Clerk to the Hon. Mark V. Green, then-Associate Justice of the Massachusetts Land Court; as Law Clerk to Hon. Joseph Trainor and Janice Berry, Associate Justices of the Massachusetts Appeals Court; and as Editor of Landplanner Magazine and the Land Court Reporter. She has a masters degree in planning from the Tufts Department of Urban and Environmental Policy and Planning, where she wrote her thesis on Chapter 40R and Chapter 40B. While pursuing her planning degree, she interned in the Newton Planning Department for the Zoning Administrator. Recent civic activity includes serving on the Zoning Task Force appointed by the Board of Alderman, examining the "de minimis" rule in the Zoning Ordinance. She has a daughter in the F.A. Day Middle School and Newton Youth Hockey.

REPRESENTATIVE PROJECTS

Town Counsel: Town of Stow, Massachusetts 2005-Present:
Represents the Town of Stow in legal matters relating to zoning, land use, subdivision control, permitting, and telecommunications.

Town Counsel: Town of Marion, Massachusetts 2005- Present:
Represents the Town of Marion in legal matters relating to zoning, land use, subdivision control, and permitting.

Special Town Counsel: Town of Middleborough, Massachusetts 2005- Present: Represents to Board of Appeals for legal matters relating to comprehensive permit applications and appeals.

Special City Solicitor: City of Amesbury, Massachusetts 2005-Present: Represents the City of Amesbury for legal matters relating to comprehensive permit applications and appeals.

Special City Solicitor: City of Gloucester, Massachusetts 2009-Present: Represents City of Gloucester in an appeal from a comprehensive permit decision by the Housing Appeals Committee.

Special Town Counsel: Towns of Wareham and Bourne, Massachusetts 2005-Present: Represents Towns' Boards of Appeals for legal matters relating to comprehensive permit applications.

Barbara Huggins
122 Albemarle Road
Newton MA 02460

PRIOR EMPLOYMENT

Intern: Department of Planning and Development, City of Newton, Massachusetts Spring 2005: Reviewed applications for residential construction under city ordinance, and researched and drafted memoranda on zoning topics.

Law Clerk: Massachusetts Appeals Court 2001-2003: Law clerk to the Hon. Joseph Trainor and the Hon. Janis Berry.

Editor, Department of Environmental Protection Reporter and Land Court Reporter; Editor-in-Chief, Landplanner Magazine. 1999-2000: Prepared case summaries and digest entries for decisions issued by the Land Court and the DEP, including cases under the state Wetlands Protection Act. Prepared and edited articles on issues arising from zoning, development, and the permitting process for Landplanner Magazine.

Law Clerk: Land Court Department, Trial Court of Massachusetts 1997-1999. Law clerk to Hon. Mark Green. Court's jurisdiction includes zoning and subdivision control law.

Associate, Maxey Wann & Begley, Jackson, MS 1994-1995
Practice focused on administrative, gaming, and business law.

Senior Staff Attorney, Mississippi Supreme Court, Jackson, MS. 1995-1996. Prepared memoranda on cases and motions before the Court. Drafted and edited opinions and orders for publication.

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Concerned Belmont citizens request one-year demolition moratorium

Residents that claim the razing of older homes in Belmont has become too common, particularly in precincts 3 and 4, have signed a petition to restrict demolition, which will be acted upon at special Town Meeting May 29.



0

By Joanna

Tzouvelis/wickedlocalbelmont.com
Posted May. 23, 2013 @ 12:01 am
Updated May 23, 2013 at 11:20 PM

Belmont, Mass.

Residents that claim the razing of older homes in Belmont has become too common, particularly in precincts 3 and 4, have signed a petition to restrict demolition, which will be acted upon at special Town Meeting May 29.

The demolition moratorium would impose a one-year delay on the demolition of detached single-family dwelling units in the general residence zoning districts, where such detached units are replaced with any residential structure other than a single-family dwelling on the same lot.



They are asking the town to engage in planning studies to address the affects of such demolition and construction and recommend long-term regulations consistent with sound land use planning goals and objectives.

At the May 14 Planning Board meeting, the citizens gave a presentation showing how single-family homes are being torn down and replaced with over-sized multi-family dwellings. One example in their presentation was a historic home at 111 Waverley St., which was built by the late Robert J. Pelletier, who was instrumental in developing the MIT Solar House. It was torn down and replaced with a two-family home with a six-car garage. The home was advertised as a "huge townhouse" that looks and feels like a single-family home. It is 2,600-square-feet on two floors, has a three-car garage and has a list price of \$849,000.

"We are simply asking for time to study the impacts of what we've been observing in our neighborhoods," said Judith Sarno, Precinct 3, a co-sponsor of the demolition moratorium.

"We want to work with planning, not to prevent development but to help guide development to preserve open space, breathable space and the character of our neighborhoods and town," said Sarno.

Planning Board member Joseph DeStefano, principal of Desco Associates, Inc., a landscape, real estate development and management company, said he believes some developers remove value from properties if what they build is disproportionate with the neighborhood.

"I think there needs to be some kind of review process," said DeStefano, adding developers need to be sensitive to a neighborhood.

His company recently demolished single-family homes on Washington and Common streets and is in the process of rebuilding new single-family homes in those locations.

Sami Baghdady, chairman of the Planning Board, said whatever the outcome is at special Town Meeting his board will address this issue.

The Planning Board voted unanimously in favor of the demolition moratorium.

Demolition record 2007 to present

20 single family homes demolished and replaced with townhouses (two units each)

85 percent of these homes in precincts 3 and 4

SOURCE: Community Development

» Comment or view comments

» SUGGESTED STORIES

Johnny Depp, as Whitey Bulger, films 'Black Mass' at Quincy home [Wicked Local Blog](#)

Witness says Brockton cop sped off after slamming pedestrian [Wicked Local Blog](#)

Aaron Hernandez's lawyers want records from New England Patriots [Wicked Local Blog](#)

Couple found dead in Buzzards Bay home [Wicked Local Blog](#)

Sentenced to life for two Brockton murders, young killer never lost hope [Wicked Local Blog](#)

» FROM AROUND THE WEB

Lisa Kudrow Demands New Trial After Juror's 'Mistake' [Good Morning America](#)

Sad Mystery: Twins Found Dead in Matching Recliners, No One Noticed Death for Years [Latest.com](#)

5 Accused of Luring Men to Strip Clubs for a Night They Wouldn't Remember [The New York Times](#)

Husband Devastated After 29-Year-Old Mother of Seven Dies of Minor Skin Infection [Latest.com](#)

Lagunitas' Taproom Opening to Public June 25 [DNAinfo](#)

Moratorium Gives Town Time to Find Solutions

By Raffi Manjikian

In May, Belmont Town Meeting passed a moratorium on single-family homes being replaced with two-family structures in general residence (GR) zoning districts. Residents in these districts—the only ones in Belmont that allow two-family houses—had noted a marked increase recently in the number of single-family homes being replaced with large attached townhouses. When one lot is filled to the maximum, the folks next door see less sky and less green space.

This demolition moratorium, which expires June 30, 2014, will give Belmont time to consider and, if desired, adopt new controls of development. The Belmont Planning Board has promised to use the moratorium year to study possible zoning changes.

After the loss of the historic First Congregational Church in Waverley square (see story on page 1), Waverley-area Town Meeting Members, including me, began meeting to discuss town planning. The number of demoli-

tions in the neighborhood had added up. Just since 2007, 20 single-family houses in Belmont's GR districts were torn down and replaced by 40 attached townhouses. And 85 percent of these lost single-family homes were in Precincts 3 and 4, with the majority in the Waverley area.

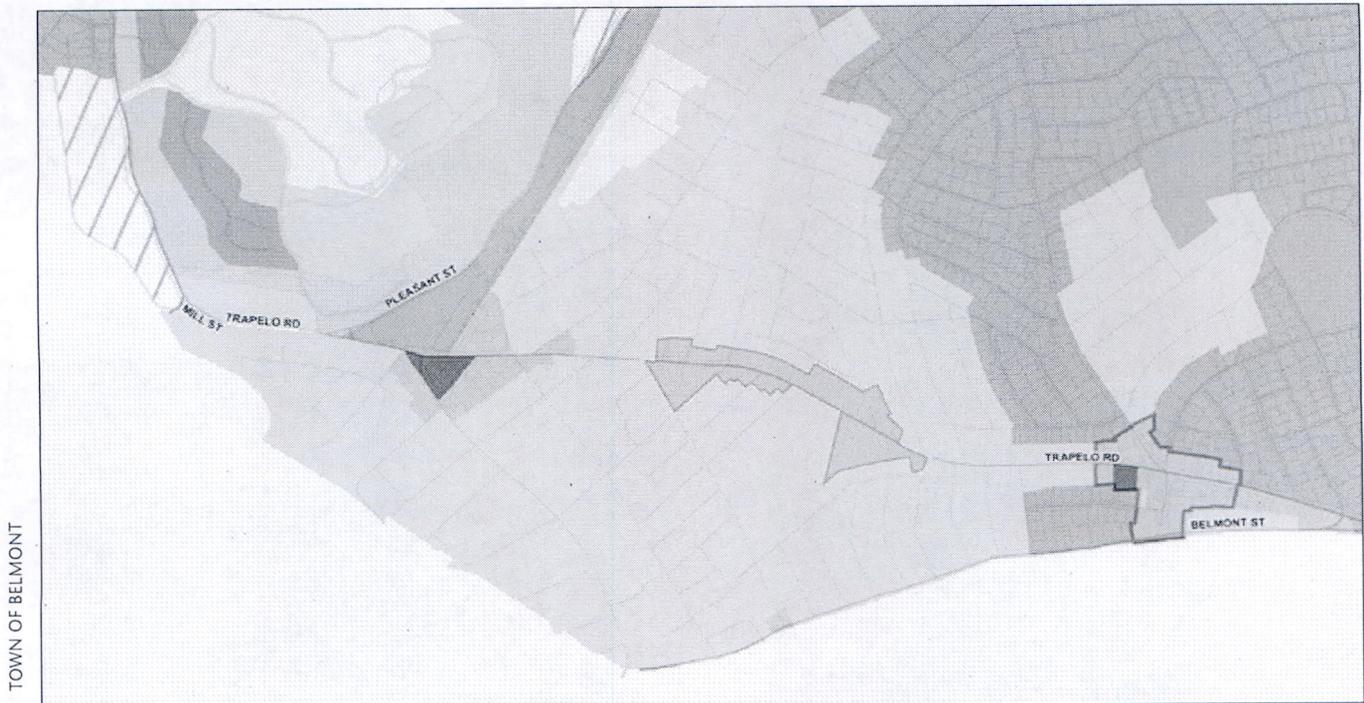
Our discussions coalesced around four themes:

- The impact on the character of our neighborhood

The number of projects and their scale, mass, and placement on small lots (averaging just 5,700 square feet) are changing Waverley's character. Instead of front yards with trees, the replacement homes meet the street with asphalt and parking. Mechanical equipment, such as venting ducts and utility meters, is visible. Often the front doors face the sides of neighboring homes, changing the streetscape of our neighborhood.

- The contrast of these demolitions with Belmont's embrace of historic preservation and environmental stewardship

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24 JUN 2013
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DIRECTOR OF PLANNING



TOWN OF BELMONT

Detail of Belmont's Zoning Map. The largest light-gray area is the Waverley neighborhood GR (General Residence) District; the light gray area to the right is also a GR district. For the full map, go to www.town.belmont.ma.us/Public_Documents/F00010E1A/zoningmap.



LUCIA SULLIVAN

A teardown on B Street dwarfed a neighborhood home, May 2013.

Belmont has passed the Community Preservation Act and adopted several energy management initiatives, including the stretch energy building code. Yet demolitions and redevelopment are destroying neighborhood green space and increasing density through multifamily housing that does not fit in with surrounding dwellings.

- The cost of services to additional residents

Denser neighborhoods increase costs for police and fire, roads, water, sewer and stormwater systems, and the public school system. Those costs affect all taxpayers.

- The lack of a public process to give neighborhood residents a voice

Current zoning allows the replacement by right of a small single-family house with a two-family house that's three or four times the size. No hearings of the Planning Board or Zoning Board of Appeals are held for these changes. Often residents receive no notice of the demolition. Yet added up, the changes approach the scale of some projects that do receive public hearings and careful consideration by town committees.

New regulations could address the height limits of new construction, linking height with the lot size. The setback requirements could

be modified in keeping with the lot size. The aesthetic of the streetscape could be included in permitting and could promote discussion of the importance of preserving mature trees. Protections for public shade trees exist; protections for private trees could be added. It will also be important to ensure that town departments have adequate resources to enforce any new as well as existing regulations.

Gaining consensus and Town Meeting approval for these changes would require better defining the terms "two-family residence," "multi-unit residence," and "attached townhouse." Zoning could be changed to regulate when a single-family home may be replaced by right, with a site-plan review or with a special permit.

The Belmont Planning Board, Board of Selectmen, and the Warrant Committee all unanimously endorsed the year-long demolition moratorium. Together, Belmont residents and elected and appointed officials can look for solutions.

Raffi Manjikian is a Precinct 3 Belmont Town Meeting member and a co-sponsor of the moratorium adopted this spring.

Housing Production Plan Regulations

760 CMR 56.03(4): COMPREHENSIVE PERMIT; LOW OR MODERATE INCOME HOUSING

(4) Housing Production Plans

(a) A Housing Production Plan (HPP) may be developed and reviewed, in accordance with 760 CMR 56.03(4) and guidelines adopted by the Department. The HPP shall contain at a minimum the following elements, covering a time period of five years:

1. Comprehensive housing needs assessment;
2. Affordable housing goals; and
3. Implementation strategies.

(b) Comprehensive Housing Needs Assessment. The HPP must establish a strategic plan for municipal action with regards to housing, based upon a comprehensive housing needs assessment that examines:

1. the most recent available census data of the municipality's demographics and housing stock, together with a projection of future population and housing needs, taking into account regional growth factors, that covers the entire time period of the plan;
2. development constraints and limitations on its current and future needs, and the municipality's plans to mitigate those constraints; and
3. the capacity of the municipality's infrastructure to accommodate the current population and anticipated future growth, including plans for enlargement or expansion of existing infrastructure systems to ensure that both current and future needs are met.

(c) Affordable housing goals. The HPP shall address the matters set out in the Department's guidelines, including:

1. a mix of types of housing, consistent with local and regional needs and feasible within the housing market in which they will be situated, including rental, homeownership, and other occupancy arrangements, if any, for families, individuals, persons with special needs, and the elderly;
2. a numerical goal for annual housing production, pursuant to which there is an increase in the municipality's number of SHI Eligible Housing units by at least 0.50% of its total units (as determined in accordance with 760 CMR 56.03(3)(a)) during every calendar year included in the HPP, until the overall percentage exceeds the Statutory Minimum set forth in 760 CMR 56.03(3)(a).

(d) Implementation Strategies. The HPP shall address the matters set out in the Department's guidelines, including an explanation of the specific strategies by which the

municipality will achieve its housing production goal, and a schedule for implementation of the goals and strategies for production of units, including all of the following strategies, to the extent applicable:

1. the identification of zoning districts or geographic areas in which the municipality proposes to modify current regulations for the purposes of creating SHI Eligible Housing developments to meet its housing production goal;
2. the identification of specific sites for which the municipality will encourage the filing of Comprehensive Permit applications;
3. characteristics of proposed residential or mixed-use developments that would be preferred by the municipality (examples might include cluster developments, adaptive re-use, transit-oriented housing, mixed-use development, inclusionary housing, etc.);
4. municipally owned parcels for which the municipality commits to issue requests for proposals to develop SHI Eligible Housing; and /or
5. participation in regional collaborations addressing housing development.

(e) Review and approval of Housing Production Plans. A HPP shall be adopted by the municipality's planning board and its select board or city council, following which the Chief Executive Officer may submit the HPP to the Department for its approval. The Department shall conduct an initial 30-day completeness review, and it will notify the municipality of any deficiency and offer an opportunity to remedy the deficiency. Within 90 days after the Department's finding that the HPP is complete, the Department shall approve the HPP if it meets the requirements specified herein; otherwise, it shall disapprove the HPP. The Department shall notify the municipality of its decision to either approve or disapprove a HPP in writing. If the Department disapproves a HPP, the notification shall include a statement of reasons for the disapproval. If the Department fails to mail notice of approval or disapproval of a HPP within 90 days after its receipt, it shall be deemed to be approved. A municipality that originally submitted a HPP that had been disapproved may submit a new or revised HPP to the Department at any time.

A municipality may amend its HPP from time to time if the Department approves the amendment upon the finding that the amended HPP meets the requirements of 760 CMR 56.03(4). The Department shall have the discretion to require the full 90-day review process for a major amendment to a HPP. A HPP shall be updated and renewed within five years of the date of its approval by the Department, through the full 90-day review process set forth above, or as the Department may otherwise require. The Department may, at its sole discretion, elect to treat a major amendment as a renewed HPP.

(f) Certification of municipal compliance. A municipality may request that the Department certify its compliance with an approved HPP if it has increased its number of SHI Eligible Housing units in an amount equal to or greater than its 0.50% production goal for that calendar year. SHI Eligible Housing units shall be counted for the purpose of certification in accordance with the provisions for counting units under the SHI set forth in 760 CMR 56.03(2). Requests for certification may be submitted at any time, and the Department shall determine whether a municipality is in compliance within 30 days of receipt of the municipality's request. If the Department determines the municipality is in compliance with its HPP, the certification shall be deemed effective on the date upon which the municipality achieved its numerical target for the calendar year in question, in accordance with the rules for counting units on the SHI set forth in 760 CMR 56.03(2).

A certification shall be in effect for a period of one year from its effective date. If the Department finds that the municipality has increased its number of SHI Eligible Housing units in a calendar year by at least 1.0% of its total housing units, the certification shall be in effect for two years from its effective date.

Housing Production Plan Guidelines

Updated May 2013

Regulatory Authority: see 760 CMR 56.03(4)



I. Housing Production Plans

- 1. Introduction..... II- 8
- 2. Elements of the HPP..... II-8
- 3. Review and Approval of HPPs..... II-10
- 4. Amendments..... II-11
- 5. Term; Renewal of HPP..... II-11
- 6. Certification of Municipal Compliance with the HPP..... II-11
- 7. Effective Date of HPP..... II-12
- 8. Effective Date of Certification.....II-12
- 9. Term of Certification..... II-12
- 10. Relation to Local Needs..... II-12
- 11. Submission Requirements..... II-12
- 12. Technical Assistance..... II-13

B. Housing Production Plans

1. Introduction

a. What Is the Plan?

A Housing Production Plan (HPP) in 760 CMR 56.03(4) is a proactive strategy for planning and developing affordable housing. It should be developed with opportunities for community residents to become informed of the planning process and the plan, and to provide input. The HPP will assist communities to plan for low and moderate income residents by providing a diverse housing supply. The community should:

- (1) Develop a strategy which will be used to meet its affordable housing needs in a manner consistent with the Chapter 40B statute and implementation regulations; and
- (2) Produce housing units in accordance with its HPP.

The HPP identifies the housing needs of a community and the strategies it will use to make progress in facilitating the development of affordable housing. The HPP must be consistent with the regulation and these Guidelines. HPPs approved by DHCD are posted at www.mass.gov/dhcd.

b. Why produce a Plan?

By taking a proactive approach in the adoption of a HPP, cities and towns are much more likely to achieve both their affordable housing and community planning goals. HPPs give communities that are under the 10% threshold of Chapter 40B, but are making steady progress in producing affordable housing on an annual basis, more control over comprehensive permit applications for a specified period of time.

2. Elements

a. Comprehensive Housing Needs Assessment

It is important to understand who currently lives in the community, demographic trends affecting future growth; existing housing stock and future housing needs. The HPP must establish a strategic plan for municipal action with regards to housing, based upon a comprehensive housing needs assessment that, at a minimum, examines:

- (1) The most recent available census data of the municipality's demographics and housing stock. Reviewing census data is the starting point for a community's analysis and information may be found at <http://www.census.gov/>. Regional Planning Agencies, realtors and the media are also sources of information that may be used in an HPP.
- (2) A projection of future population and housing needs, taking into account regional growth factors, that covers the entire period of the plan. The projections should address, specifically, the housing needs of the projected population at various income levels including: not more than 30% AMI, more than 30% but not more than 80% AMI, and more than 80% but not more than 120% AMI, taking into account the likely family composition of such households.
- (3) Development constraints and limitations on its current and future needs should be clearly articulated. Maps can be helpful in identifying steep slopes, watershed areas or brownfields.

- (4) The municipality's plans to mitigate such constraints. Can any of the factors be mitigated to support development?
- (5) The capacity of the municipality's infrastructure to accommodate the current population and anticipated future growth, including plans for enlargement or expansion of existing infrastructure systems to ensure that both current and future needs are met. The infrastructure analysis should evaluate the capacity of water and sewer systems, roads, utilities, public transit, schools, and any other public facilities that will impact or be impacted by future housing development.

It may not be necessary for a community to create an entirely new plan to meet these requirements. Many communities have already adopted a plan or a series of plans that contain some or all of the required elements. Current master plans, consolidated plans, or other housing strategies may contain some or all of the elements of a HPP. Municipalities may contact DHCD's Office of Sustainable Communities for assistance in converting such plans to an HPP.

However, municipalities must ensure that the existing plans or data are up-to-date. DHCD will request that a community update its former Affordable Housing Plan/Planned Production Plan, consistent with the requirements of these Guidelines, if the affordable housing plan was approved five or more years ago.

b. Affordable Housing Goals

In addition to its needs assessment, when formulating its affordable housing goals, the community should also consider the types of housing most likely to be needed and, generally, its fair housing obligations. What is the projected population of: working age? new household formation? special needs? elderly? frail elderly? What percentage of these populations is projected to be at not more than 30% AMI? at more than 30% but not more than 80% AMI? At more than 80% but not more than 120% AMI? Does the existing housing supply match the needs of these populations? Does the community expect that there will be a range of housing types which will be affordable to each income group? Therefore, the HPP must address, at a minimum, the following matters:

- (1) A mix of types of housing, consistent with community and regional needs that:
 - (a) Is affordable to households at not more than 30% AMI, more than 30% but not more than 80% AMI, and more than 80% but not more than 120% AMI;
 - (b) Provides for a range of housing , including rental, homeownership, and other occupancy arrangements, if any, for families, individuals, persons with special needs, and the elderly; and,
 - (c) Is feasible within the housing market in which they will be situated.
- (2) A numerical goal for annual housing production, pursuant to which there is an increase in the municipality's number of SHI Eligible Housing units by at least 0.50% of its total units (as determined in accordance with 760 CMR 56.03(3)(a)) during every calendar year included in the HPP, until the overall percentage exceeds the Statutory Minimum set forth in 760 CMR 56.03(3)(a). There should be a direct link between the setting of these goals and the results of the needs assessment. The numerical goal should be based on the total year round number of housing units. The total year round housing units is the total number of units for the community in the latest U.S. Census including any changes due to demolition or new construction.

c. Implementation Strategies

The HPP shall include an explanation of the specific strategies by which the municipality will achieve its housing production goals as well as a time frame/schedule for achieving the housing goals identified. Each goal should include several specific milestones to indicate progress, including all of the following strategies, to the extent applicable:

- (1) The identification of zoning districts or geographic areas in which the municipality proposes to modify current regulations for the purposes of creating SHI Eligible Housing developments to meet its housing production goal. Zoning indicates a community's interest in the types of uses to be encouraged. The zoning strategy should identify points where the zoning needs to be changed to accommodate additional dwelling units: Can density be increased? Can accessory apartments be accommodated? Are upper story residential units allowed in commercial districts? In identifying geographic areas, communities must ensure that any constraints can be overcome in a timely and cost effective manner. Additionally, communities should consider the Commonwealth's Sustainable Development Principles at: <http://www.mass.gov/hed/docs/dhcd/cd/smartgrowth/sdprinciples.pdf>.
- (2) The identification of specific sites for which the municipality will encourage the filing of Comprehensive Permit applications. Identification of specific sites should be consistent, to the greatest extent possible, with Sustainable Development Principles. Strategies should include any proposed zoning changes, advantages to construction on the site, an acknowledgement of site constraints, and the costs to overcome such constraints.
- (3) Characteristics of proposed residential or mixed-use developments that would be preferred by the municipality for example, infill development, cluster developments, adaptive re-use, transit-oriented housing, mixed-use development, and/or inclusionary zoning. Preferred characteristics should take into account the surrounding context of the built and natural environment. Characteristics placing special restrictions on the development of affordable housing, such as limiting size of affordable units, limiting diversity in types of housing, or applying other zoning constraints, will not be approved. In addition, affordable housing plans must be in compliance with all state and federal fair housing laws.
- (4) Identification of municipally owned parcels for which the municipality commits to issue requests for proposals (RFP) to develop SHI Eligible Housing, including information on appropriate use of the site, and a timeline for the issuance of an RFP. DHCD can provide some assistance in the development of such an RFP.
- (5) Participation in regional collaborations addressing housing development. Communities are encouraged to contact the Regional Planning Agencies for insight into establishing regional collaborations.

3. Review and Approval

Communities may submit a HPP developed in accordance with the regulation and these Guidelines to DHCD at any time.

a. Review Standards

HPPs are reviewed to see that they contain all the required elements, in accordance with the regulations and these Guidelines; and that the elements of the HPP are consistent with each other, such as whether the goals address stated needs. Reviewers pay special attention to the analysis of

data, numerical goals, mix of housing proposed, production schedules, deed restrictions, and preferred sites for affordable housing development.

b. Review Process

The Department shall conduct an initial 30-day completeness review, and it will notify the municipality of any deficiency and offer an opportunity to remedy the deficiency. Within 90 days after the Department's finding that the HPP is complete, the Department shall approve the HPP if it meets the requirements specified herein; otherwise, it shall disapprove the HPP. The Department shall notify the municipality of its decision to either approve or disapprove a HPP in writing. If the Department disapproves a HPP, the notification shall include a statement of reasons for the disapproval. If the Department fails to mail notice of approval or disapproval of a HPP within 90 days after its receipt, it shall be deemed to be approved. A municipality that originally submitted a HPP that had been disapproved may submit a new or revised HPP to the Department at any time.

4. Amendments

A community may amend its HPP at any time to reflect changes in local circumstances. DHCD does not require that communities submit amendments when specific projects change, such as in size or location. However, communities are encouraged to submit amendments for DHCD approval, to document the change(s) if the overall goals or strategies are revised. If, in the discretion of DHCD, the amendment is considered to be a major change, such as the incorporation of new census data, the Department may require the full 90 day review process. Amendments shall not change the effective date of an HPP.

5. Term of a Plan; Renewal

The term of an HPP shall be five (5) years from the date of its approval by the Department. All HPPs shall be updated and renewed within five (5) years of the date of its approval by the Department, through the full 90-day review process set forth above, or as the Department may otherwise require. The Department may, at its sole discretion, elect to treat a major amendment as a renewed HPP.

6. Certification of Municipal Compliance with the HPP

- a. Requests for certification will be accepted by DHCD at any time during the calendar year in which the units are produced and up to January 10 of the following year. A community will be certified in compliance with an approved HPP if, during a single calendar year, it has increased its number of low- and moderate-income year round housing units (as counted on the SHI) in an amount equal to or greater than that enumerated in the approved HPP (0.5% or 1.0%). See Appendix II.3, "HPP Certification Thresholds by Municipality" for current certification thresholds.
- b. Units counted for certification must be produced after the effective date of a plan (i.e., the date DHCD approved the plan).
- c. SHI Eligible Housing units shall be counted for the purpose of certification when they are first eligible for inclusion in the SHI in accordance with the provisions set forth in 760 CMR 56.03(2).
- d. If a community issues a permit between December 20th and December 31st (inclusive), of a given year, the request may be submitted prior to the end of the 20-day appeal period.

- e. The Department shall determine whether a municipality is in compliance within 30 days of receipt of the municipality's request and notify the Chief Executive Officer in writing of its decision.

7. Effective Date of a Plan

An HPP shall be effective as of the date that DHCD approved the plan. The effective date of an approved plan shall not change as a result of amendment to the plan.

8. Effective Date of Certification

Regardless of the date of the certification notice, the Certification shall be deemed effective as of the date that the municipality achieved its numerical target for the calendar year in question, in accordance with the rules for counting units on the SHI set forth in 760 CMR 56.03(2).

9. Term of Certification

So long as the units produced are SHI Eligible Housing units (see 760 CMR 56.03), a certification shall be in effect for a period of one year from its effective date if the community has increased its SHI Eligible Housing units 0.5% of the total year round housing units, or two years from its effective date if it has increased its number of SHI Eligible Housing units 1.0% of total year round housing units. If the units by which the municipality achieved its certification become ineligible for the SHI, then the certification shall lapse as of the date that the units became ineligible for the SHI. If such units become eligible for the SHI during the *remaining term of the certification period*, then the certification shall be re-instated for such remaining term.

For example, if a community's HPP is certified by DHCD on June 13, 2013, for affordable units that became eligible for the SHI on February 13, 2013 totaling 0.5% of housing units, the certification period begins on February 13, 2013, and ends on February 12, 2014. If the request was based on an increase of 1.0% of housing units, the certification period would end on February 12, 2015.

10. Relation to "Local Needs"

If a community is certified compliant, decisions made by the Board to deny a comprehensive permit will be deemed Consistent with Local Needs under the Act by the HAC, and the Board's denial of a comprehensive permit application will be upheld as a matter of law, provided that the Board complies with the requirements of 760 CMR 56.03(8).

11. Submission Requirements

a. HPPs

HPPs, amendments and updates must be accompanied by:

- (1) a letter signed by the Chief Executive Officer that states that the document:

- (a) Was adopted by the municipal planning board and select board or city council (the Chief Executive Officer, is the mayor in a city and the chair of the board of selectmen in a town,

unless some other municipal office is designated to be the chief executive officer by the local charter);

(b) Constitutes the community's affordable housing plan (for the HPP), or is an amendment or an update; and

(c) Requests approval from DHCD.

(2) A cover letter that includes a municipal contact name, telephone number and email address. They may be submitted in either hard or electronic copy. Following the Department's approval, an electronic copy must be submitted for posting on the agency's website.

b. Requests for Certification

(1) Requests for certification must be accompanied by a letter signed by the Chief Executive Officer and contain any required documentation (e.g. comp permits and/or the "Requesting New Units Form for the Subsidized Housing Inventory"). These documents are evidence that the required number of housing units has been produced during a calendar year and:

(a) Have been newly produced pursuant to the approved HPP and in the same year for which certification is requested;

(b) Are, for the first time, eligible to be counted on the SHI (e.g., are not the subject of a modified or amended permit from a prior year); and

(c) Are produced pursuant to the affordable housing plan.

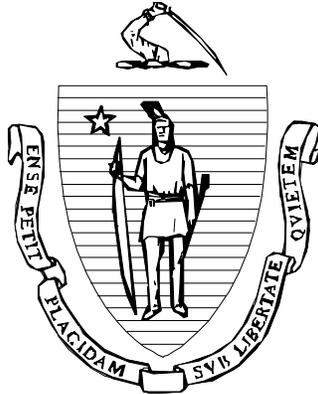
(2) The town manager or administrator may submit the certification request if given signatory authority by a local charter.

c. HPPs, amendments, updates and requests for certification should be sent to:

Aaron Gornstein, Undersecretary
Department of Housing & Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114
Attn: Phil DeMartino

Electronic copies can be submitted by e-mail or on disk to: phillip.demartino@state.ma.us

Department staff are available to answer questions on any matter related to HPPs. Please call 617-573-1357. The Department's website at www.mass.gov/dhcd also contains information that may be useful to municipalities in creating an HPP.



Commonwealth of Massachusetts

**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Deval L. Patrick, Governor ♦ Aaron Gornstein, Undersecretary

HOUSING PRODUCTION PLANS

760 CMR 56.03(4)

Frequently Asked Questions

December 2013



Housing Production Plans

Frequently Asked Questions (FAQs)

These FAQs are designed to assist you with a greater understanding of the Housing Production Plan (HPP) requirements. They are a complement to [Housing Production Plan Guidelines](#), available at www.mass.gov/dhcd.

If you have any questions or need assistance, contact Phillip DeMartino, Technical Assistance Coordinator, at (617) 573-1357 or at Phillip.DeMartino@state.ma.us.

Q1: What are Housing Production Plans (HPPs)?

A: A HPP is a community's proactive strategy for planning and developing affordable housing. Through a HPP a community: 1) creates a strategy to enable it to meet its affordable housing needs in a manner consistent with the Chapter 40B statute and regulations, and 2) produces housing units in accordance with the HPP.

Q2: When were the HPP requirements established?

A: The HPP regulation became effective on February 22, 2008 when the DHCD promulgated 760 CMR 56.00, Comprehensive Permit; Low or Moderate Income Housing. The HPP regulation is contained in 760 CMR 56.03(4). HPPs replace Planned Production under 760 CMR 31.07(1)(i).

Q3: Why should a community submit a HPP?

A. There are many advantages for a community to create a HPP. It provides an opportunity to understand current housing conditions and then to determine both the projected housing needs of both the current population and the growth/change in composition of the population (e.g. more families, more elders). For example:

- Are there enough "starter homes" for those forming new households?
- Is there adequate workforce housing?
- What are the options in the community for empty nesters?
- How are the needs of the elderly and the frail elderly being met?
- Are there options for residents with physical and mental disabilities?
- Are there options for both rental and home ownership?

Communities need to look at the amount, type, and condition of the current housing stock to determine whether there is a sufficient variety of supply to meet projected housing demands and preferences in the years ahead.

The projections of future need serve as a starting point for examining suitable locations for housing development. Generally such sites will be in proximity of

existing water and sewer lines. Perhaps they will be in proximity of downtown. This HPP articulates the community's rationale for a diverse housing supply responsive to projected needs and preferences. It serves as the community's pro-active strategy in determining the type and pace of housing growth. Specifically,

- by identifying housing needs in the community and identifying sites for development, the community will be providing guidance and direction for the kinds of development most responsive to local conditions;
- the HPP can serve as the housing element of an overall comprehensive plan ("master plan") and/or capital improvement plan that may be required as a companion to the HPP in order to attract the types of development and housing opportunities the community needs; and
- if a community has a DHCD approved HPP and is granted a DHCD certification of compliance with the plan, a decision by the Zoning Board of Appeals (ZBA) to deny a Comprehensive Permit application will be deemed "Consistent with Local Needs" under MGL Chapter 40B. "Consistent with Local Needs" means the ZBA's decision will be upheld by the Housing Appeals Committee (HAC).

The specific components of the HPP are described in the Guidelines. The HPP requires an explanation of the specific strategies by which the community will achieve its housing production goal, and a schedule for implementing the strategies in order to produce the units that will achieve this goal.

Q4: What resources are available to assist with development of an HPP?

A. DHCD encourages communities to examine approved HPPs that are on the DHCD website. Also, regional planning agencies may have regional plans, statistical information, and mapping data, of use when undertaking the preparation of the plan. Basic census information can be found at www.census.gov.

Q5: What are the housing production goals for my community?

A. A list for production goals can be found as Appendix II.B.1 to the HPP Guidelines, in the previous section of this Guide. The chart indicates the number of Subsidized Housing Inventory (SHI) eligible units that a community would need to produce to achieve a 0.5% increase or a 1% increase in SHI eligible housing units.

Q6: What is an *approved* HPP?

A. A HPP is approved once DHCD staff determines that the plan meets the Regulation and Guidelines. An approved HPP is a prerequisite to a certified plan (see Q10).

Q7: What is the duration of an approved HPP? Do they have to be renewed?

A: A HPP is valid for a five year period from the approval date by DHCD. Upon expiration, HPPs may be renewed. The community must decide whether to update/revise the existing plan or write a new HPP.

Q8: My community already has an approved affordable housing plan under the former Planned Production Program. Is it still valid?

A: It is valid only if it was approved **after** February 22, 2003. All other previously approved plans will need to be updated/renewed because of the five year approval duration.

Q9: If a community has an approved HPP can it deny a Comprehensive Permit application?

A. No, DHCD certification of compliance with the plan is required before a Comprehensive Permit can be denied.

If a community has a DHCD approved HPP and is granted a DHCD certification of compliance with the plan, a decision by the ZBA to deny a Comprehensive Permit application will be deemed "Consistent with Local Needs" under MGL Chapter 40B. "Consistent with Local Needs" means the ZBA's decision will be upheld by the HAC.

Q10: What is the difference between approval and certification of a HPP?

A: This distinction is very important. Plan approval refers to DHCD's action of reviewing a HPP and determining that it is complete and contains all the elements required by regulation and accompanying Guidelines.

Certification of compliance refers to DHCD's determination that the community has produced units that are affordable to low- or moderate-income households totaling at least 0.5% of 1% of year round housing units in one calendar year and in accordance with the approved plan. **In order for a ZBA's decision on Comprehensive Permits to be "Consistent with Local Needs" DHCD must grant certification and not just approval.**

Q11: What is the duration of DHCD certification?

A: Certification lasts for one year if the community has produced 0.5% of year round housing units or two years if it has produced 1.0%.

If the city or town is certified compliant with its plan, DHCD will notify the chief elected official in writing. Regardless of the date of the certification notice, the certification period will be deemed effective on the date upon which the municipality achieved its numerical target for the calendar year in question (see 56 CMR 56. 03 (2)). Thus, certification starts at the time of initial eligibility for the SHI and not the date DHCD receives such requests.

Q13: How long does DHCD have to approve a certification request?

A: Requests for certification may be submitted at any time, and the Department shall determine whether a municipality is in compliance within 30 days of receipt of the municipality's request.

Q14: Can we count units created in different years towards certification?

A: No. All units have to be produced in the same year for which certification is requested.

Q15: When do units count for certification?

A. Units count for certification as soon as they are **initially** eligible to be counted on the SHI at the earliest of the following:

1. For units that require a Comprehensive Permit under M.G.L. c.40B, §§ 20 through 23, or a zoning approval under c.40A or completion of plan review under M.G.L. c.40R, the date when (a) the permit or approval is filed with the municipal clerk, notwithstanding any appeal by a party other than the Board, but subject to the time limit for counting such units set forth at 760 CMR 56.03(2)(c), or (b) on the date when the last appeal by the Board is fully resolved.
2. When the building permit for the unit is issued.
3. When the occupancy permit for the unit is issued.
4. When the unit is occupied by an Income Eligible Household and all the conditions of 760 CMR 56.03(2)(b) have been met (if no Comprehensive Permit, zoning approval, building permit, or occupancy permit is required.)

Q16: Are all pending cases at the HAC affected if a community achieves certification?

A: No. If a development was under appeal before a certification period, certification will have no impact on the case.

Q17: Are all projects now subject to the new thresholds of 0.5% and 1.0%?

A: The previous Planned Production thresholds of 0.75% (1 year) and 1.5% (2 years) remain in effect if affordable housing units (40B or other) are filed with the ZBA prior to February 22, 2008. All projects filed with the ZBA after February 22, 2008 are subject to the 0.5% and 1.0% thresholds.

Q18: When a community has achieved certification, can they automatically deny a new Comprehensive Permit without holding a public hearing?

A: No. The local ZBA must open a hearing within 30 days of receiving an application even when the community has achieved yearly certification. The ZBA must issue a decision within 40 days after termination of the hearing. DHCD suggests that the certification letter be read at the public hearing to demonstrate the community's current compliance with certification requirements. This compliance is the standard for the ZBA's decision to "deny" or "approve with conditions" any Comprehensive Permit applications will be deemed "Consistent with Local Needs" under MGL Chapter 40B.

Q19: How does a ZBA notify an Applicant (developer) if they are certified?

If a community has achieved certification within 15 days of the opening of the local hearing for the Comprehensive Permit, the ZBA shall provide written notice to the Applicant, with a copy to DHCD, that it considers that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs, the grounds that it believes has been met, and the factual basis for that position, including any necessary supportive documentation.

If the Applicant wishes to challenge the ZBA's assertion, it must do so by providing written notice to the Department, with a copy to the Board, within 15 days of its receipt of the ZBA's notice, including any documentation to support its position. DHCD shall thereupon review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The ZBA shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent with local needs, provided, however, that any failure of the DHCD to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

Q20: My community's housing plan under the former Planned Production Program was approved over five years ago. Can we submit an updated version?

A: Yes. A community is strongly encouraged to submit an updated HPP for approval by DHCD. This policy also applies to all approved affordable housing plans submitted under the prior Planned Production regulations 760 CMR 31.07. Information submitted to update such affordable housing plans must comply with requirements of 760 CMR 56.03(4), including information not required under previous Planned Production Regulations and Guidelines.

Q21: Are any public funds available for the development of HPPs?

A: Many communities have used Community Preservation Act funds to hire a consultant to develop a HPP. In addition, communities should contact DHCD about additional resources such as the Peer-to-Peer and Community Development Block Grant programs. Also, please visit www.mass.gov/dhcd.

Q22: How many communities have approved HPPs? Where can I find a list of Certified communities?

A: A list of communities with approved plans and a listing of Certified communities is continuously updated at www.mass.gov/dhcd.

Q23: Where can I mail a certification request or a new/ amended HPP?

A: HPPs, amendments, updates and requests for certification should be sent to:

Aaron Gornstein, Undersecretary
Department of Housing & Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114
Attn: / Phil DeMartino

Electronic copies can be submitted by e-mail or on disk to:

phillip.demartino@state.ma.us

Department staff is available to answer questions on any matter related to HPPs. Please call 617-573-1357. The Department's website at www.mass.gov/dhcd also contains information that may be useful to municipalities in creating an HPP.

Housing Plans: Approval/ Expiration dates.
September 2003 to June 2, 2014

Community	Date of Plan Approval	Date of Plan Expiration
Abington	9/9/03	9/8/08
Acton	12/5/05	12/4/10
Amesbury	12/7/06	12/6/11
Amherst	8/9/13	8/8/18
Ashburnham	1/31/07	1/30/12
Ashland	8/13/07	8/12/12
Barnstable	6/8/10	6/7/15
Bedford	11/17/03	11/16/08
Bellingham	11/23/10	11/22/15
Berlin	6/18/12	6/17/17
Billerica	2/22/05	2/21/10
Bolton	1/16/04	1/15/09
Bourne	1/18/06	1/17/11
Boxborough	6/13/06	6/12/11
Boxford	6/3/04	6/2/09
Boylston	8/3/05	8/2/10
Brewster	10/30/09	10/31/14
Bridgewater	8/17/12	8/16/17
Carlisle	11/2/10	11/1/15
Carver	6/5/09	6/4/14
Chatham	7/17/13	7/16/18
Chelmsford	1/9/12	1/8/17
Concord	11/15/10	11/14/15
Dartmouth	7/24/13	7/23/18
Deerfield	3/24/14	3/23/19
Dennis	11/19/10	11/18/15
Dighton	4/22/09	4/21/14
Douglas	11/24/09	11/23/14
Dracut	4/13/04	4/12/09
Dunstable	2/9/05	2/8/10

Housing Plans: Approval/ Expiration dates.
September 2003 to June 2, 2014

Community	Date of Plan Approval	Date of Plan Expiration
Duxbury	4/7/14	4/6/19
Eastham	8/17/10	8/16/15
Easton	4/25/11	4/24/16
Falmouth	2/14/09	2/13/14
Franklin	3/17/11	3/16/16
Foxborough	10/5/12	10/4/17
Georgetown	1/12/12	1/11/17
Grafton	7/29/13	7/28/18
Groton	12/16/04	12/15/09
Groveland	1/7/05	1/6/10
Halifax	4/14/11	4/13/16
Hamilton	7/25/13	7/24/18
Hanover	1/15/14	1/14/19
Harvard	5/4/11	5/3/16
Harwich	1/11/10	1/10/15
Holliston	10/20/10	10/19/15
Hopkinton	9/13/04	9/12/09
Hubbardston	1/4/11	1/3/16
Ipswich	12/22/06	12/21/11
Kingston	4/18/14	4/17/19
Lakeville	9/17/12	9/16/17
Lenox	2/18/09	2/17/14
Lincoln	6/20/03	6/19/08
Littleton	2/13/06	2/12/11
Lunenburg	2/8/06	2/7/11
Lynnfield	7/11/06	7/10/11
Mansfield	8/18/09	8/17/14
Marion	2/1/11	1/31/16
Marshfield	5/23/19	5/22/14
Mashpee	6/6/05	6/6/10

Housing Plans: Approval/ Expiration dates.
September 2003 to June 2, 2014

Community	Date of Plan Approval	Date of Plan Expiration
Mattapoisett	1/28/11	1/27/16
Medway	5/3/10	5/2/15
Merrimac	12/12/10	12/11/15
Middleborough	10/31/05	10/30/10
Millbury	9/11/07	9/10/12
Nantucket	9/1/09	8/31/14
Newburyport	1/14/14	1/13/19
Natick	1/4/13	1/13/18
Norfolk	3/14/07	3/13/12
North Andover	11/15/07	11/14/12
Northborough	6/15/05	6/14/10
Norwell	7/26/12	7/25/17
Norwood	9/4/13	9/3/18
Peabody	7/11/13	7/10/18
Pepperell	11/8/06	11/7/11
Phillipston	12/23/13	12/22/18
Petersham	8/29/05	8/28/10
Plymouth	2/14/07	2/13/12
Quincy	5/18/10	5/17/15
Raynham	3/11/10	3/10/15
Reading	5/16/13	5/15/18
Rowley	8/27/07	8/26/12
Royalston	12/24/13	12/23/18
Salisbury	3/27/06	3/26/11
Sandwich	5/13/10	5/12/15
Scituate	3/26/09	3/25/14
Sharon	1/29/10	1/28/15
Shrewsbury	1/23/12	1/22/17
Southampton	12/1/10	11/30/15
Southborough	3/23/10	3/22/15

Housing Plans: Approval/ Expiration dates.
September 2003 to June 2, 2014

Community	Date of Plan Approval	Date of Plan Expiration
Sterling	10/5/06	10/4/11
Stoughton	12/29/09	12/28/14
Stow	5/24/11	5/23/16
Sudbury	7/14/11	7/13/16
Sunderland	6/11/07	6/10/12
Templeton	3/6/12	3/5/17
Tewksbury	8/20/12	8/19/17
Townsend	12/16/06	12/15/11
Truro	4/3/07	4/2/12
Tyngsborough	2/7/13	2/6/18
Upton	10/17/12	10/16/17
Wakefield	12/1/03	11/31/08
Walpole	12/13/13	12/12/18
Wareham	8/13/13	8/12/18
Watertown	2/6/14	2/5/19
Wayland	3/24/05	3/23/10
Wenham	9/19/08	9/18/13
West Boylston	1/28/14	1/27/19
West Newbury	10/19/10	10/18/15
Westford	1/9/12	1/8/17
Westminster	4/17/11	4/16/17
Westport	7/27/12	7/26/17
Wilmington	8/3/04	8/2/09
Wrentham	9/9/05	9/8/10
Yarmouth	3/28/11	3/27/16

Department of Housing and Community Development
Spreadsheet of 0.5% and 1.0% Thresholds for Each Community
Based on 2010 Census Information

Community	2010 Census Year Round Housing Units	0.5% Goal	1.0% Goal
Abington	6,364	32	64
Acton	8,475	42	85
Acushnet	4,097	20	41
Adams	4,337	22	43
Agawam	12,090	60	121
Alford	231	1	2
Amesbury	7,041	35	70
Amherst	9,621	48	96
Andover	12,324	62	123
Aquinnah	158	1	2
Arlington	19,881	99	199
Ashburnham	2,272	11	23
Ashby	1,150	6	12
Ashfield	793	4	8
Ashland	6,581	33	66
Athol	5,148	26	51
Attleboro	17,978	90	180
Auburn	6,808	34	68
Avon	1,763	9	18
Ayer	3,440	17	34
Barnstable	20,550	103	206
Barre	2,164	11	22
Becket	838	4	8
Bedford	5,322	27	53
Belchertown	5,771	29	58
Bellingham	6,341	32	63
Belmont	10,117	51	101
Berkley	2,169	11	22
Berlin	1,183	6	12
Bernardston	930	5	9
Beverly	16,522	83	165
Billerica	14,442	72	144
Blackstone	3,606	18	36
Blandford	516	3	5
Bolton	1,729	9	17
Boston	269,482	1347	2695
Bourne	8,584	43	86
Boxborough	2,062	10	21
Boxford	2,730	14	27
Boylston	1,765	9	18
Braintree	14,260	71	143
Brewster	4,803	24	48
Bridgewater	8,288	41	83
Brimfield	1,491	7	15

Brockton	35,514	178	355
Brookfield	1,452	7	15
Brookline	26,201	131	262
Buckland	866	4	9
Burlington	9,627	48	96
Cambridge	46,690	233	467
Canton	8,710	44	87
Carlisle	1,740	9	17
Carver	4,514	23	45
Charlemont	615	3	6
Charlton	4,774	24	48
Chatham	3,460	17	35
Chelmsford	13,741	69	137
Chelsea	12,592	63	126
Cheshire	1,481	7	15
Chester	585	3	6
Chesterfield	524	3	5
Chicopee	25,074	125	251
Chilmark	418	2	4
Clarksburg	706	4	7
Clinton	6,375	32	64
Cohasset	2,898	14	29
Colrain	731	4	7
Concord	6,852	34	69
Conway	803	4	8
Cummington	426	2	4
Dalton	2,860	14	29
Danvers	11,071	55	111
Dartmouth	11,775	59	118
Dedham	10,115	51	101
Deerfield	2,154	11	22
Dennis	7,653	38	77
Dighton	2,568	13	26
Douglas	3,147	16	31
Dover	1,950	10	20
Dracut	11,318	57	113
Dudley	4,360	22	44
Dunstable	1,085	5	11
Duxbury	5,532	28	55
East Bridgewater	4,897	24	49
East Brookfield	888	4	9
East Longmeadow	6,072	30	61
Eastham	2,632	13	26
Easthampton	7,567	38	76
Easton	8,105	41	81
Edgartown	1,962	10	20
Egremont	596	3	6
Erving	778	4	8
Essex	1,477	7	15

Everett	16,691	83	167
Fairhaven	7,003	35	70
Fall River	42,650	213	427
Falmouth	14,870	74	149
Fitchburg	17,058	85	171
Florida	335	2	3
Foxborough	6,853	34	69
Framingham	27,443	137	274
Franklin	11,350	57	114
Freetown	3,263	16	33
Gardner	9,064	45	91
Georgetown	3,031	15	30
Gill	591	3	6
Gloucester	13,270	66	133
Goshen	440	2	4
Gosnold	41	0	0
Grafton	7,160	36	72
Granby	2,451	12	25
Granville	630	3	6
Great Barrington	3,072	15	31
Greenfield	8,325	42	83
Groton	3,930	20	39
Groveland	2,423	12	24
Hadley	2,200	11	22
Halifax	2,971	15	30
Hamilton	2,783	14	28
Hampden	1,941	10	19
Hancock	326	2	3
Hanover	4,832	24	48
Hanson	3,572	18	36
Hardwick	1,185	6	12
Harvard	1,982	10	20
Harwich	6,121	31	61
Hatfield	1,549	8	15
Haverhill	25,557	128	256
Hawley	137	1	1
Heath	334	2	3
Hingham	8,841	44	88
Hinsdale	918	5	9
Holbrook	4,262	21	43
Holden	6,624	33	66
Holland	1,051	5	11
Holliston	5,077	25	51
Holyoke	16,320	82	163
Hopedale	2,278	11	23
Hopkinton	5,087	25	51
Hubbardston	1,627	8	16
Hudson	7,962	40	80
Hull	4,964	25	50

Huntington	919	5	9
Ipswich	5,735	29	57
Kingston	4,881	24	49
Lakeville	3,852	19	39
Lancaster	2,544	13	25
Lanesborough	1,365	7	14
Lawrence	27,092	135	271
Lee	2,702	14	27
Leicester	4,231	21	42
Lenox	2,473	12	25
Leominster	17,805	89	178
Leverett	792	4	8
Lexington	11,946	60	119
Leyden	300	2	3
Lincoln	2,153	11	22
Littleton	3,443	17	34
Longmeadow	5,874	29	59
Lowell	41,308	207	413
Ludlow	8,337	42	83
Lunenburg	4,037	20	40
Lynn	35,701	179	357
Lynnfield	4,319	22	43
Malden	25,122	126	251
Manchester	2,275	11	23
Mansfield	8,725	44	87
Marblehead	8,528	43	85
Marion	2,014	10	20
Marlborough	16,347	82	163
Marshfield	9,852	49	99
Mashpee	6,473	32	65
Mattapoissett	2,626	13	26
Maynard	4,430	22	44
Medfield	4,220	21	42
Medford	23,968	120	240
Medway	4,603	23	46
Melrose	11,714	59	117
Mendon	2,072	10	21
Merrimac	2,527	13	25
Methuen	18,268	91	183
Middleborough	8,921	45	89
Middlefield	230	1	2
Middleton	3,011	15	30
Milford	11,379	57	114
Millbury	5,592	28	56
Millis	3,148	16	31
Millville	1,157	6	12
Milton	9,641	48	96
Monroe	64	0	1
Monson	3,406	17	34

Montague	3,926	20	39
Monterey	465	2	5
Montgomery	337	2	3
Mount Washington	80	0	1
Nahant	1,612	8	16
Nantucket	4,896	24	49
Natick	14,052	70	141
Needham	11,047	55	110
New Ashford	104	1	1
New Bedford	42,816	214	428
New Braintree	386	2	4
New Marlborough	692	3	7
New Salem	433	2	4
Newbury	2,699	13	27
Newburyport	8,015	40	80
Newton	32,346	162	323
Norfolk	3,112	16	31
North Adams	6,681	33	67
North Andover	10,902	55	109
North Attleborough	11,553	58	116
North Brookfield	2,014	10	20
North Reading	5,597	28	56
Northampton	12,604	63	126
Northborough	5,297	26	53
Northbridge	6,144	31	61
Northfield	1,290	6	13
Norton	6,707	34	67
Norwell	3,652	18	37
Norwood	12,441	62	124
Oak Bluffs	2,138	11	21
Oakham	702	4	7
Orange	3,461	17	35
Orleans	3,290	16	33
Otis	763	4	8
Oxford	5,520	28	55
Palmer	5,495	27	55
Paxton	1,590	8	16
Peabody	22,135	111	221
Pelham	564	3	6
Pembroke	6,477	32	65
Pepperell	4,335	22	43
Peru	354	2	4
Petersham	525	3	5
Phillipston	658	3	7
Pittsfield	21,031	105	210
Plainfield	283	1	3
Plainville	3,459	17	35
Plymouth	22,285	111	223
Plympton	1,039	5	10

Princeton	1,324	7	13
Provincetown	2,122	11	21
Quincy	42,547	213	425
Randolph	11,980	60	120
Raynham	5,052	25	51
Reading	9,584	48	96
Rehoboth	4,252	21	43
Revere	21,956	110	220
Richmond	706	4	7
Rochester	1,865	9	19
Rockland	7,030	35	70
Rockport	3,460	17	35
Rowe	177	1	2
Rowley	2,226	11	22
Royalston	523	3	5
Russell	687	3	7
Rutland	2,913	15	29
Salem	18,998	95	190
Salisbury	3,842	19	38
Sandisfield	401	2	4
Sandwich	8,183	41	82
Saugus	10,754	54	108
Savoy	318	2	3
Scituate	7,163	36	72
Seekonk	5,272	26	53
Sharon	6,413	32	64
Sheffield	1,507	8	15
Shelburne	893	4	9
Sherborn	1,479	7	15
Shirley	2,417	12	24
Shrewsbury	13,919	70	139
Shutesbury	758	4	8
Somerset	7,335	37	73
Somerville	33,632	168	336
South Hadley	7,091	35	71
Southampton	2,310	12	23
Southborough	3,433	17	34
Southbridge	7,517	38	75
Southwick	3,852	19	39
Spencer	5,137	26	51
Springfield	61,556	308	616
Sterling	2,918	15	29
Stockbridge	1,051	5	11
Stoneham	9,399	47	94
Stoughton	10,742	54	107
Stow	2,500	13	25
Sturbridge	3,759	19	38
Sudbury	5,921	30	59
Sunderland	1,718	9	17

Sutton	3,324	17	33
Swampscott	5,795	29	58
Swansea	6,290	31	63
Taunton	23,844	119	238
Templeton	3,014	15	30
Tewksbury	10,803	54	108
Tisbury	1,965	10	20
Tolland	222	1	2
Topsfield	2,157	11	22
Townsend	3,356	17	34
Truro	1,090	5	11
Tyngsborough	4,166	21	42
Tyringham	149	1	1
Upton	2,820	14	28
Uxbridge	5,284	26	53
Wakefield	10,459	52	105
Wales	772	4	8
Walpole	8,984	45	90
Waltham	24,805	124	248
Ware	4,539	23	45
Wareham	9,880	49	99
Warren	2,202	11	22
Warwick	363	2	4
Washington	235	1	2
Watertown	15,521	78	155
Wayland	4,957	25	50
Webster	7,788	39	78
Wellesley	9,090	45	91
Wellfleet	1,550	8	16
Wendell	419	2	4
Wenham	1,404	7	14
West Boylston	2,729	14	27
West Bridgewater	2,658	13	27
West Brookfield	1,578	8	16
West Newbury	1,558	8	16
West Springfield	12,629	63	126
West Stockbridge	645	3	6
West Tisbury	1,253	6	13
Westborough	7,304	37	73
Westfield	16,001	80	160
Westford	7,671	38	77
Westhampton	635	3	6
Westminster	2,826	14	28
Weston	3,952	20	40
Westport	6,417	32	64
Westwood	5,389	27	54
Weymouth	23,337	117	233
Whately	654	3	7
Whitman	5,513	28	55

Wilbraham	5,442	27	54
Williamsburg	1,165	6	12
Williamstown	2,805	14	28
Wilmington	7,788	39	78
Winchendon	4,088	20	41
Winchester	7,920	40	79
Windsor	387	2	4
Winthrop	8,253	41	83
Woburn	16,237	81	162
Worcester	74,383	372	744
Worthington	553	3	6
Wrentham	3,821	19	38
Yarmouth	12,037	60	120



Setti D. Warren
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Candace Havens
Director

MEMORANDUM

DATE: June 20, 2014

TO: Alderman Marcia T. Johnson, Chairman
Members of the Zoning and Planning Committee

FROM: Candace Havens, Director of Planning and Development
James Freas, Chief Planner, Long-Range Planning 

RE: #80-13: THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project.

MEETING DATE: June 23, 2014

CC: Board of Aldermen
Planning and Development Board
Donnalyn Kahn, City Solicitor

Zoning Reform, Phase 1 is intended to address existing conflicting provisions in the Newton Zoning Ordinance, while also clarifying the regulations through the use of illustrations, tables, and new wording. A number of conflicts and new, clarifying language are shown below for the Zoning and Planning Committee's consideration.

	Issue	Old Z.O. Citations	Recommendation
1	Parking Lot Landscaping	30-19(i)(2)b)	Increase minimum square feet to 25.
2	Protecting Public Uses	30-6 (k) 2 nd paragraph	Remove as unnecessary
3	Definitions Interpretations	NA	Include in new Ordinance
4	Interpretation of District Boundaries	30-3(b)	Include in new Ordinance
5	Definition of 'Site'	NA	Include in new Ordinance
6	Definition of 'Lot'	NA	Include in new Ordinance
7	Rear Setback in Limited Manufacturing	30-15, Table 3	Set at 40 feet where abutting residential districts

Issue #1

The Zoning Ordinance requires landscaping to be provided within parking areas with 20 or more stalls and each of these islands of landscaping are required to have a minimum of 20 square feet with no single dimension less than five feet in length. These landscaped areas are most commonly designed as squares or rectangles and the area of a five by five square is 25 square feet. As a result, with the minimum five foot dimension requirement, the minimum area mathematically is actually 25 square feet, not 20. For simplicity, it seems reasonable to make the minimum area 25 square feet.

Issue #2

The following provision, located in the Public Use District in the Zoning Ordinance, does a number of things, all repetitive to other provisions. First, it says that other uses not listed as allowed in the district are prohibited unless the property is rezoned; an unnecessary statement as that idea is inherent to the construction of the overall Zoning Ordinance. Second, it permanently protects the right to have public uses on any lot where they have previously existed, even if that lot is rezoned to another, non-public use district; this part became effectively obsolete when public uses were designated as an allowed use in all districts. Lastly, the paragraph allows religious and educational purposes in the Public Use District, but these uses are already listed as allowed in all districts. Staff recommends that this paragraph may be removed entirely.

“No other use or design and arrangement of any such land, structure or building thereon or thereover except as provided above shall be permitted until the land concerned shall have been rezoned in accordance with this chapter. No such rezoning shall affect the use of such land, structure or building for any of the purposes specifically set forth in section 30-6, whether or not carried on simultaneously with such other zoned use. Nothing in this section shall prohibit the use or design and arrangement of land, structure or building in this district by religious or nonprofit educational uses pursuant to the provisions of section 30-5(a)(2).”

Issue #3

The following sections are proposed to be added to provide guidance on the interpretation of words used in the Zoning Ordinance and to clearly state that text controls over illustrations. The Law Department will review for correct reference to Massachusetts courts.

9.11 Common Meaning

- A. All words and terms used have their commonly accepted and ordinary meaning unless they are specifically defined in this Chapter or the context in which they are used clearly indicates to the contrary.*
- B. In the absence of court decisions or Zoning Board of Appeals decisions specifically interpreting a provision in question, specific definitions listed in this Chapter or previous interpretations of a provision by the Commissioner of Inspectional Services, the*

meaning of provisions shall be based on the following general hierarchy of sources:

- 1. For a legal term, definitions in a legal dictionary or if not a legal term, definitions in an ordinary dictionary;*
 - 2. Statements of the purpose and intent of particular sections, although such statements cannot overrule a specific code provision;*
 - 3. Minutes of discussions of legislative or advisory bodies considering adoption of the provision in question;*
 - 4. Definitions of similar terms contained in Federal and State statutes and regulations; and*
 - 5. Ordinary rules of grammar.*
- C. When vagueness or ambiguity is found to exist as to the meaning of any word or term used, any appropriate canon, maxim, principle or other technical rule of interpretations or statutory construction used by the courts of this State may be employed to resolve vagueness and ambiguity in language.*

[9.1.2. Graphics, Illustrations, Photographs & Flowcharts](#)

The graphics, illustrations, photographs and flowcharts used to explain visually certain provisions of this Chapter are for illustrative purposes only. Where there is a conflict between a graphic, illustration, photograph or flowchart and the text of this Chapter, the text of this Chapter controls.

Issue#4

In a separate section, staff is proposing to add the Director of Planning to those who sign off on the veracity of zoning map changes that result from Aldermanic decisions on rezonings. Consistent with that provision, in the section below it is proposed that the Commissioner of Inspectional Services consult with the Director of Planning and Development, as well as the City Engineer in making zoning district boundary interpretations where there is uncertainty as to the location of the line.

13.3. Interpretation of District Boundaries

B. Whenever any uncertainty exists as to the exact location of a boundary line, the location shall be determined by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development and the City Engineer; provided that any person affected by his decision may appeal to the Zoning Board of Appeals in the manner provided in Sec. 8.7.

Issues #5 & 6

Newton's current zoning ordinance does not define the term "lot" which, as one of the basic units of land use regulation, is a very important term. The current ordinance also lacks a definition for "site," another important term in certain regulatory situations where it must be distinguished from a "lot." Both definitions are proposed for inclusion in the reformatted zoning ordinance for the purpose of clarity. The question was raised as to how these terms were intended to be used and how they might affect other parts of the existing ordinance.

Basically, a lot is the single piece of land or property that a person owns, whether it is their intention to live there, rent the property to someone else, or develop the property. A lot is legally defined in a deed. Owning a lot does not necessarily entitle one to the right to develop that lot. A "site" is one or more lots controlled by one entity or person assembled or acquired specifically for the purpose of development. Site becomes an important term where the ordinance is clearly intending to regulate future development that might occur on one or more assembled lots such as the Open Space Preservation District. In those situations, it is important to be able to differentiate between those requirements that apply to the entire site as opposed to those applying to an individual lot within or created as a part of the development. Again, the fact that one has property that might constitute a site by the definition in no way imparts the right to develop that property.

1.5.2. Site

A. Defined. A site is any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development.

1.5.3. Lot

A. Defined. A parcel of land either vacant or occupied intended as a unit for the purpose, whether

*immediate or for the future, of transfer of ownership,
or possession, or for development.*

Issue #7

As was presented in the previous meeting, there is another conflict between the setback requirements in the footnotes to Table 3 in 30-15. The rear setback on buildings in the Limited Manufacturing district, where abutting a Residential District, are either $\frac{1}{2}$ building height or 20 feet, whichever is greater according to footnote 10, or 40 feet according to footnote 6. Staff recommends 40 feet.