



Land Use Committee Agenda

City of Newton

In City Council

March 14, 2017

5:30 PM – Note Early Start Time

Room 211

Chairs Note: The Committee will continue a discussion with Planning, Inspectional Services and Information Technology on Special Permit process improvements and enforcement.

7:00 PM

Chamber

Referred to Land Use, Programs & Services, and Finance Committees

#256-16

Request to extend notification area of notice for special permit petitions

COUNCILORS COTE, NORTON, HARNEY, BLAZER, BROUSAL-GLASER, AND LEARY requesting an amendment to the City Council Rules, Article X; Section 6 – Additional Notification Requirements, to include that the area of notice for special permit petitions be expanded beyond the abutters to abutters within 300' required by Massachusetts General Law Chapter 40A to also include property owners within 600' of the subject property. This notification will apply to all classes of building except for residential 1 and 2-family units that will remain 1 or 2-family units after receiving a special permit. Only abutters to abutters within 300' will be entitled to the rights conferred by Massachusetts General Law Chapter 40A. [07/01/16 @2:09 PM]

Respectfully submitted,

Marc C. Laredo, Chair

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

RECEIVED
Newton City Clerk

CITY OF NEWTON

DOCKET REQUEST FORM

2016 JUL -1 PM 2:09

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

Newton, MA 02459

To: Clerk of the City Council

Date: July 1, 2016From (Docketer): Councilor Cote

Address: _____

Phone: _____

E-mail: _____

Additional sponsors: _____

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

Councilors Cote, Norton, Harney, Blazer, Brousal-Glaser and Leary requesting an amendment to the Council Rules, Article X; Section 6 - Additional Notification Requirements, to include that the area of notice for Special Permit petitions be expanded beyond the abutters to abutters within 300 feet required by MGL Chapter 40A to also include property owners within 600 feet of the subject property. This notification will apply to all classes of building except for residential 1 and 2 family units that will remain 1 or 2 family units after the Special Permit request. Only abutters to abutters within 300 ft. will be entitled to the rights conferred by Chapter 40A.

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

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

- ☐ Ordinance change
☐ Resolution
☐ License or renewal
☐ Appointment confirmation
☒ Other: Council Rule Change

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

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

4. This item should be taken up in committee:

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

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

PLEASE FILL OUT BOTH SIDES

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

#256-16

- | | |
|--|--|
| <input type="checkbox"/> One half hour or less | <input checked="" type="checkbox"/> Up to one hour |
| <input type="checkbox"/> More than one hour | <input type="checkbox"/> An entire meeting |
| <input type="checkbox"/> More than one meeting | <input type="checkbox"/> Extended deliberation by subcommittee |

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

City personnel

Citizens (include telephone numbers/email please)

- | | |
|--|--------------------------------|
| <input checked="" type="checkbox"/> City Clerk _____ | <input type="checkbox"/> _____ |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |

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

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

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

Please check the following:

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

Thank you.

Jim Cote

Signature of person docketing the item

[Please retain a copy for your own records]

Docket Item Text

Councilors Cote, Norton, Harney, Blazer, Brousal-Glaser and Leary requesting an amendment to the Council Rules, Article X; Section 6 - Additional Notification Requirements, to include that the area of notice for Special Permit petitions be expanded beyond the abutters to abutters within 300 feet required by MGL Chapter 40A to also include property owners within 600 feet of the subject property. This notification will apply to all classes of building except for residential 1 and 2 family units that will remain 1 or 2 family units after the Special Permit request. Only abutters to abutters within 300 ft. will be entitled to the rights conferred by Chapter 40A.

What this means for the office.

We have reviewed the Special Permit applications that have been filed over the last six months. Of the 34 requests that have been filed, 9 would have been required by the docket text above to have notification extended to 600 feet. This represents approximately 26% of the yearly requests.

The number of letters that we would need to mail for each of these projects increases by an average of 147%. The actual increase will depend on where the property is located. The postage and supply costs will go up by the same percentage.

Special Permits filed January – June 2016

Docket	Address	Request	300'	Postage		600'	Postage
99-16	360 WARD ST	GARAGE ADD					
98-16	99 OXFORD ROAD	LIVING SPACE ADD					
97-16	27 WAVERLEY AVE	ASSOCIATION OF PERSONS					
96-16	1573 BEACON STREET	GARAGE ADD					
94-16	2171 COMMONWEALTH AVENUE	GARAGE/LIVING SPACE ADD					
93-16	413 HAMMOND STREET	DECK/GARAGE ADDS					
49-16	103 COURT STREET	LOT SUBDIVISION	49	22.78		118	54.87
48-16	255-257 NEWTONVILLE AVE	STORAGE FACILITY ZONED MFG	44	20.46		116	53.94
215-16	344 ELLIOT STREET	ONSITE PARKING @ DUNN GAHERINS	102	47.43		217	100.95
214-16	65 OAKMONT ROAD	KITCHEN, LIVING SPACE ADD					
195-16	41 CHESLEY ROAD	2 FAMILY RESTORATION					
194-16	110 UPLAND AVE	BEDROOM ADD					
180-16	ORR BLOCK	REZONING	59	27.43		128	59.52
179-16	WASHINGTON/WALNUT	MIXED USE DEV	59	27.43		128	59.52
178-16	39 HAWTHORNE AVE	INTERIOR/EXTERIOR RENOVATION					
177-16	1375-1379 WASHINGTON STREET	SEAT ADDITION @ BLUE RIBBON	25	11.625		72	33.48
16-16	30 CAROLINE PARK	DECK ENCLOSURE					
15-16	126 CORNELL STREET	ACCESSORY APARTMENT					
145-16	226-228 CALIFORNIA STREET	BATHROOM ADDITION					
132-16	45 PERKINS STREET	GARAGE, KITCHEN, BED ADD					
131-16	37 WESTBOURNE ROAD	GARAGE MODIFICATIONS					
130-16	260, 270, 280 ELLIOTT STREET	PARKING MODIFICATION	34	15.81		180	83.7

129-16	23 HOWE ROAD	CONSTRUCT SFR EXCEEDING FAR				
128-16	9-11 BRIDGE STREET	ACCESSORY APARTMENT				
127-16	288 WALNUT STREET	DAYCARE/PARKING WAIVER	34	15.81	121	56.26
230-15 (2)	239 CYPRESS STREET	BASEMENT/FIRST FLOOR ADD				
348-15	27-29 TALBOT STREET	SHED DORMER ADD				
349-15	28 BEECHER PLACE	HALF STORY ADDITION				
350-15	17 EAST BLVD ROAD	GARAGE/BED/LIVING SPACE ADD				
351-15	1110 CHESTNUT STREET	4 UNITS IN 2 FAMILY DWELLING	118	54.87	216	100.44
31-16	147 NEWTONVILLE AVENUE	LIVING SPACE ADD				
32-16	150 NEWTONVILLE AVENUE	PARKING W/IN 5' OF STREET				
126-16	17 MALVERN TERRACE	RAZE & REBUILD 2 FAMILY IN SR3				
176-16	47 LEWIS STREET	ADD DORMERS, MODIFYING SP				
		Totals	524	\$243.65	1,296	\$602.38

The increase in postage for this past 6 months would have been \$359. Estimating for a full year it would be approximately \$718.

Currently the Software that we use to calculate the properties involved and to generate the mailing labels can generate a 300' area as well as a 600' area. What it can't do is to distinguish the two areas for different mailings. We would need to send a legal notice to the individuals within 300 feet, and an informational notice to those between 301 and 600 feet, and we have no easy way of doing that at the moment. The best that the software could do for us at the moment is to print two sets of mailing labels, one for 300 feet and one for 600 feet and then compare the lists of labels to pull the labels that appear on the 300 ft. set from the 600 ft. set. The IT department is looking at whether the software can be modified, but did not have a ready solution.

Some additional past big projects and the impact.

Address/Business Name	300'	Postage	600'	Postage	Percent Increase
283 Melrose Street (Turtle Lane)	36	\$16.74	122	\$56.73	239%
28 Austin Street (Austin Street Lot)	92	\$42.78	392	\$182.28	326%
255-257 Newtonville Avenue (Storage)	44	\$20.46	116	\$53.94	164%
1239 Centre Street (Panera Bread)	31	\$14.42	91	\$42.32	194%
200 Boylston Street (Chestnut Hill Square)	256	\$119.04	875	\$406.88	242%
300 Needham Street (Restaurant/Storage)	130	\$60.45	143	\$66.50	10%
17 Herrick Road (Multi-unit Housing)	33	\$15.35	105	\$48.83	218%