



Zoning & Planning Committee Agenda

City of Newton **In City Council**

Monday, March 26, 2018

7:00PM

Room 205

Items Scheduled for Discussion:

- #182-18 Appointment of Matthew Volpi to the Commission on Disability**
HER HONOR THE MAYOR appointing MATTHEW VOLPI, 44 Oakmont Road, Newton Centre, as a member of the COMMISSION ON DISABILITY for a term to expire April 30, 2021. (60 days: 5/18/18)
- #183-18 Appointment of Melinda Broderick to the Auburndale Historic District Comm**
HER HONOR THE MAYOR appointing MELINDA BRODERICK, 42 Maple Street, Auburndale, as a member of the AUBURNDALE HISTORIC DISTRICT COMMISSION for a term to expire April 30, 2021. (60 days: 5/18/18)
- #184-18 Appointment of John Wyman to the Newton Upper Falls Historic District Comm**
HER HONOR THE MAYOR appointing JOHN WYMAN, 47 Old Orchard Road, Newton, as an alternate member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire April 30, 2021. (60 days: 5/18/18)
- #161-18 Ordinance amendment to increase membership of Commission on Disability**
HER HONOR THE MAYOR requesting to amend Chapter 22, Section 100 of the City of Newton Ordinances to increase the maximum number of members of the Commission on Disability from nine (9) to thirteen (13). This change will reflect amended state law, MGL Chapter 40, Section 8J, allowing to up to thirteen (13) members.
- #185-18 Discussion and adoption of Needham Street Vision Plan**
DIRECTOR OF PLANNING requesting discussion and adoption of the Needham Street Vision Plan as an amendment to the 2007 Newton Comprehensive Plan.

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.

#186-18 Zoning Amendment for Shared Parking Pilot Program

DIRECTOR OF PLANNING requesting amendments to Chapter 30, Newton Zoning Ordinance, to allow for a Shared Parking Pilot Program as an accessory use in commercial districts.

#75-18 Discussion relative to the Zoning Redesign Event Series

DIRECTOR OF PLANNING requesting discussion of topics, issues, and ideas from the Zoning Redesign Event Series, with Committee feedback leading to staff preparation of the draft policy content outline for the new Zoning Ordinance.

Chair's Note: This discussion will focus on the March 15th Zoning Redesign Event: *Building Shape, Size and Form in Neighborhoods and Village Centers*

Respectfully Submitted,

Susan S. Albright, Chair



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#182-18
Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email
rfuller@newtonma.gov

March 7, 2018

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

To the honorable City Councilors:

I am pleased to appoint Matthew Volpi of 44 Oakmont Road, Newton Center as a member of the Commission on Disability. His term of office shall expire on April 30, 2021 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

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DAVID A. OLSON, CMC
Newton, MA 02459

MATTHEW VOLPI

44 Oakmont Road, Newton, MA 02459 |

Experience**2013-present****TOVANA CONSULTING, INC.****NEWTON, MA****Senior Consultant (2013-present)**

- Custom projects for a variety of clients in industries including enterprise software, IT services, education, financial services, consumer marketing, strategy consulting, outsourcing services and non-profit.
- Engagements include market research, strategy consulting, survey design/analysis, executive interviews, case study development, article and blog creation, content marketing, branding and collateral creation, competitive/SWOT analysis and email/social media campaigns.

2017-present**XANEDU, INC.****ANN ARBOR, MI****Senior Product & Integration Manager (2017-present)**

- Define product roadmap, prioritize development activities and create user stories for SharedBook, an online content distribution and e-learning SaaS platform. Create training materials and onboard new clients.
- Manage outbound marketing campaigns, social media advertising, content calendar, content marketing and discount promotions for Blog2Print, a B2C custom publishing offering.

2011-2013**BIGBELLY SOLAR, INC.****NEWTON, MA****Director of Product Marketing (2011-2013)**

- Guided product management and positioning strategy for unique solutions that marry IT and green technology to create operational efficiencies for municipal, education and commercial markets.
- Transitioned company from hardware sales-driven business model to SaaS and managed services
- Managed pricing and sales policies, as well as managing and training channel partners.
- Responsible for all corporate marketing, press and analyst relations, events and speaking engagements.
- Created marketing and sales materials, including collateral, presentations, proposals, ROIs and web site.
- Executed lead-generation campaigns and developed lead management and reporting processes.
- Supported sales process, including creating customer proposals and recommending configurations.
- Expanded product line from one to four products, creating and managing all product requirements.
- Created management console and dashboard utilizing real-time data and historical analytics to provide actionable data for customers to manage their staff and optimize their deployment.
- Introduced mobile platform for field personnel to access critical data on their devices.
- Managed Verizon Wireless strategic partnership, including joint sales and national marketing campaigns.
- Won \$500K Verizon Powerful Answers Business Plan Competition & 2012 World Smart Cities Award
- Member of senior management team.
- Managed inside sales organization, sales operations team, client services and marketing specialists.

2007-2011**MODIV MEDIA, INC. (Acquired by CATALINA MARKETING)****QUINCY, MA****Director of Product Management (2007-2011)**

- Created and maintained product lifecycle process, roadmaps, pricing, business models and overall corporate product strategy for retail media network, consumer-facing kiosks and handheld devices, retail promotions for mobile phones, and operational touch points utilized by retail staff.
- Shepherded flagship scan-and-bag product from 1-store pilot to 300 stores within three years, as well as initiative to support iPhone-based solution in addition to dedicated, store-owned hardware.
- Defined and managed media delivery and targeting solutions for various mobile and in-store devices, taking solution from initial concept to serving more than 25 million impressions on more than 1 million shopping trips per month and generating hundreds of thousands of dollars in monthly media revenue.
- Responsible for all corporate marketing, press and analyst relations activities.
- 2010 and 2011 MITX Technology Awards winner, as well as earning clients multiple awards.
- Featured in national consumer and business magazines, national television and major newspapers.
- Business development, direct sales and sales support with retailers, vendors and agencies.
- Led all measurement and analytics strategies including media targeting business rules, user segmentation definition and execution, yield optimization, success criteria and advertiser ROI reporting.
- Venture capital and strategic investor fundraising support activities.
- Key participant in retailer client's digital strategy planning and execution.
- Maintained and contributed to patent portfolio; co-inventor on pending patent.
- Member of senior management team.
- Managed product managers, advertising trafficking/account services personnel and business analyst.

| | | |
|----------------|--|--------------------|
| | | #182-18 |
| 2005-2007 | SUN MICROSYSTEMS, INC. (Acquired by ORACLE) Product Line Manager (2005-2007) <ul style="list-style-type: none"> Managed inbound/outbound marketing activity for mobility across Sun developer tools portfolio. Strategic partnership management and business development support regarding co-marketing, integration and custom engineering initiatives with carriers and device and software vendors. Planning of company-wide strategy for mobile and embedded software developer community. Founded and chaired industry standards body and worked on other open source projects. Facilitated content creation, evangelism and outreach for Sun Developer Network and NetBeans sites. | BURLINGTON, MA |
| 2000-2005 | NOKIA, INC. Head of Developer Resources Marketing (2003-2005) <ul style="list-style-type: none"> Created marketing strategy for Nokia developer community. Evangelization of solutions and products to global developer community, carriers, media, etc. Created joint marketing strategies with strategic partners and generated competitive intelligence reports. Managed team of Product Marketing Managers Product Manager (2000-2003) <ul style="list-style-type: none"> Manage product life cycle of multiple mobile Internet software development and testing tools and WAP Server components, defining roadmaps, requirements and distribution strategies. Conducted usability testing and user surveys for developer products. | BURLINGTON, MA |
| 1997-2000 | CMGI Wireless Program Manager (1999-2000) <ul style="list-style-type: none"> Started wireless initiative for private-label web portal, directing creative and technical integration of personalized mobile service to be used by national cellular and paging carriers. Created business model and pricing plan for carrier and manufacturer distribution partners. Created wireless product roadmap, collecting and integrating customer requirements. Associate Program Manager (1998-1999) <ul style="list-style-type: none"> Designed, specified and managed integration of features for private-label web portal. Managed multiple virtual teams, tracking workflow, staffing and deliverables. Evaluated, selected and maintained third-party vendor relationships. Designed and managed financial channel, accounting for \$2+ million ROI. Content Producer (1997-1998) <ul style="list-style-type: none"> Developed design of site areas and integrated automated data feeds into service. Increased membership and retention with contextual content and contests. Created and maintained relationships with content providers, commerce partners and sponsors including negotiations, contracts, design and integration. | ANDOVER, MA |
| 1995-1997 | CRYAN ASSOCIATES Editor/Webmaster <ul style="list-style-type: none"> Wrote, edited and designed newsletters, brochures, advertisements, web site and mailings for three professional associations and one educational foundation. Developed educational programs including seminars, computer workshops and videos. | SUDBURY, MA |
| Education | | |
| 1998-2004 | F.W. OLIN GRADUATE SCHOOL OF BUSINESS AT BABSON COLLEGE Master of Business Administration, May 2004. | WELLESLEY, MA |
| 1996-1997 | EMERSON COLLEGE Graduate-level Certificate of Publishing, January 1997. | BOSTON, MA |
| 1992-1995 | PENNSYLVANIA STATE UNIVERSITY Bachelor of Arts in Journalism, minors in English and Political Science, December 1995. | STATE COLLEGE, PA |
| 1995 | TEL AVIV UNIVERSITY International Student Program, June 1995. | RAMAT AVIV, ISRAEL |
| Certifications | | |
| 2014 | SCRUM ALLIANCE Certified Scrum Product Owner, January 2014. | INDIANAPOLIS, IN |



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

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

March 7, 2018

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

To the honorable City Councilors:

I am pleased to appoint Melinda Broderick of 42 Maple Street, Auburndale as a full member of the Auburndale Historic District Commission. Her term of office shall expire April 30, 2021 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

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Newton City Clerk
2018 MAR - 7 PM 1:41
David A. Olson, CMC
Newton, MA 02459

Melinda K. Broderick

42 Maple Street • Newton, Massachusetts 02466
U.S. Citizen • No Veterans Preference

PROFESSIONAL EXPERIENCE

U.S. SECURITIES AND EXCHANGE COMMISSION – November 2001 – PRESENT

Broker/Dealer Examinations: 11/2001 – 10/2007

Investment Adviser/ Investment Company Examinations: 10/2007 – present

Primary Duties:

Conduct inspections of registered investment advisers, investment companies, transfer agents and broker/dealers by performing background research and on-site examinations which include interviews with key personnel, tours of the operations and review and analysis of the firm's records and operations. Search for indications that securities laws have been violated or that the firm's compliance procedures and controls are weak.

- Conduct legal research of statutory and regulatory requirements under the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, and the Investment Company Act of 1940 to support findings. Research includes reviews of pertinent no-action letters, FINRA rules and MSRB requirements.
- Apply forensic accounting techniques including financial statement analysis and ratio analysis. Perform valuation of private equity, real estate, private debt and other hard to price assets. For broker/dealer examinations, review net capital calculations and firm financials to ensure the firm is adequately capitalized.
- Create detailed reports for senior managers summarizing examination and findings. Egregious findings may trigger enforcement referrals which necessitate succinct summaries to enforcement for consideration as potential matters under investigation.
- Create deficiency letters with findings, communicate findings to firm and review firm's response. Suggest follow up action if required.
- Communicate examination findings to senior management during quarterly review meetings; communicate enforcement referrals to review committee. Communicate significant findings and unique issues at staff meetings.
- Train and mentor new examiners within BRO examination program. Collaborate extensively with all levels of staff (inclusive of administrative, interns, attorneys, accountants and examiners) at all levels of professional experience to establish

consensus on examination planning, establishing realistic deadlines and agreement on defensible examination findings.

Management Training:

- Participant in the SEC's "LD 2004 – Aspiring Leaders" course. The course was a comprehensive program designed to prepare SEC non-supervisory employees for roles in Federal management positions. The nine month program promoted the leadership competencies of the SEC SK-13 and SK-14 employees and utilized teamwork, problem solving and an interactive learning environment to strengthen each participant's capacity for management and leadership effectiveness.

Public Speaking:

- Conducted training on broker/dealer suitability for national SEC broker/dealer examiner training program in Washington, D.C.
- Conducted training on broker/dealer suitability at Joint Regulatory Conference in St. Petersburg, Florida.
- Spoke as member of panels at CCO Outreach in Boston, May 2014 and June 2017.

Awards

- Received OCIE's Four Pillars award, 2016.

Other:

- Initiated and currently leading Red Cross Blood Drives at the Boston Regional Office. Facilitated three successful drives and planning a fourth in December 2017.
- Currently co-facilitator of the Boston Regional Office Diversity and Inclusion Committee ("BRODI"). This involves promoting diversity and inclusion in the Boston Regional Office by leading monthly meetings and coordinating diversity and inclusion activities with staff and management.
- Completed a six month detail in the BRO enforcement group. Worked on three enforcement investigations, interacting with enforcement staff and conducted enforcement activities such as obtaining a formal order.

BANKBOSTON INVESTOR SERVICES, INC. 12/1994-4/2000

Chief Compliance Officer 9/1995-4/2000

Primary duties: Implement compliance program for bank broker-dealer which included 60 sales people, multiple sales locations and private label mutual funds. Oversee all aspects of broker/dealer to ensure compliance with Federal securities laws and program policies and procedures.

- Oversee and conduct annual review of sales people to assess compliance with program guidelines. Review physical office for appropriate signage and separation from bank activities. Review customer documents, review trades for suitability, interview registered representative to assess understanding of compliance policies and procedures. Document compliance assessment of individual sales persons; develop overall assessment of program's compliance with regulatory rules and policies and procedures. Communicate findings and advise senior management on improvements to the program.
- Review sales literature and marketing for Federal securities laws and FINRA rules. Reviewed marketing materials of private label mutual funds, radio and television commercials, branch signage, print advertising, and brochures. Facilitate FINRA review of materials and oversee all necessary revisions.
- Coordinated FINRA, OCC and SEC examinations. Respond to examination findings. Receive and respond to customer complaints and regulatory inquiries.
- Develop, maintain and disseminate compliance manual and policies and procedures. Conduct annual compliance training for registered representatives. Conduct training on review of marketing materials for bank marketing department.
- Develop and implement disaster recovery program for broker dealer which included recovery site with 30 desks. Test disaster recovery program and create and maintain documented plan.
- Manage staff of two direct reports.
- Represent compliance on major bank-wide project to expand sales of securities in bank branches.

Municipal Bond Manager 6/1995 – 9/1995

Primary duties: Oversee newly created municipal bond trading desk for retail investors. Create written policies and procedures, conduct training and resolve issues related to new area of operations.

- Review and principally approve municipal bond trades for retail investors.
- Manage a staff of two: a municipal bond trader and a trading assistant.
- Oversee mass transfer of accounts from bank; obtain new account documentation and review and approve new accounts.

Trader – Retail Brokerage 12/1994-6/1995

Primary responsibilities: Conduct trades and provide customer service to retail customers of bank broker/dealer. Assist in effort to obtain new account documentation from mass transfer of accounts from bank.

- Led project to create operations manual for newly established broker dealer.
- Facilitated transfer of assets from other broker/dealers.

SCUDDER STEVENS AND CLARK, INC. 5/1987 – 4/1994

Primary duties: Trade equities, convertible securities and money market instruments for all Boston based mutual funds and client accounts. Responsible for daily cash management for 30 mutual funds and all other cash management trading required for client accounts. Coordinated block and syndicate trades, researched trade problems and facilitated foreign exchange trading for foreign equity trades.

- Maintained research list of convertible bond securities that was the basis for investment decisions by portfolio managers and was distributed on a bi-weekly basis.
- Researched and suggested responsive action for convertible bonds that had been called.

L.F. ROTHSCILD, UNTERBERG, TOWBIN, Inc. 4/1986 – 5/1987

Primary duties: Assistant to municipal bond liaison.

- Bought municipal bonds from street and placed bonds for sale.
- Researched municipal bond issues and maintained documentation for bonds purchased.

EDUCATION

Juris Doctor, Suffolk University School of Law; Boston, Massachusetts.

Masters of Business Administration, Boston University School of Management; Boston, Massachusetts.

Bachelors of Business Administration, Finance; Baylor University, Waco, Texas.

LICENSES AND CERTIFICATIONS

- Certified Fraud Examiner, Association of Certified Fraud Examiners.
- FINRA Series Examinations previously held:
 - Series 4 (Options Principal)
 - Series 7 (General Securities Representative)
 - Series 24 (General Securities Principal)
 - Series 53 (Municipal Securities Principal)



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rfuller@newtonma.gov

March 7, 2018

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

To the honorable City Councilors:

I am pleased to appoint John Wyman of 47 Old Orchard Road, Newton as an Alternate member of the Newton Upper Falls Historic District Commission. His term of office shall expire on April 30, 2021 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

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David A. Olson, CMC
Newton, MA 02459

John C. Wyman

Title: Of Counsel
Murtha Cullina LLP
99 High Street, 20th Floor
Boston, Massachusetts 02110

Practice Areas: Business and Product Liability Litigation

Education: Amherst College, B.A., 1963
University of Chicago Law School, J.D., 1966

During his almost fifty years of private practice in Boston, Mr. Wyman has concentrated in civil litigation, trial and appellate practice. He has represented a broad range of clients both as plaintiffs and defendants in complex commercial litigation, product liability, distributor termination, unfair trade practice, antitrust, personal injury, employment termination, patent, trademark, securities, civil rights, class actions, athletic eligibility and drug testing litigation and construction litigation and arbitrations. Many of his cases have involved technology, science and engineering disciplines and subject matters have included explosions, fires, structure collapses, aircraft accidents, product failures and patent infringement. His experience includes many engagements in the chemical, building, aviation, medical and consumer product industries. Clients have included Eastman Kodak Company, Massachusetts Institute of Technology, General Motors Corporation, Saint Gobain Corporation, E. I. du Pont de Nemours & Company for whom Mr. Wyman has served as the firm's Engagement Partner from the establishment of the DuPont Legal Model 1991 until 2008 and many other businesses and individuals. Mr. Wyman has extensive experience with electronic discovery and has presented on that subject and records retention at conferences, continuing legal education programs and client seminars.

His practice has included trials in state and federal courts in Massachusetts, Maine, New Hampshire, Rhode Island, Connecticut, and Delaware and appeals in the Massachusetts Supreme Judicial and Appeals Courts and the US Court of Appeals for the First Circuit.

Mr. Wyman was a partner and shareholder of Murtha, Cullina and its predecessor firm Roche, Carens & DeGiacomo from 1976 until 2014. He continues to serve the firm as Of Counsel.

Bar & Court Admissions

- District of Columbia
- Massachusetts
- U.S. District Court, Massachusetts
- U.S. Courts of Appeal for the District of Columbia and First Circuits
- Supreme Court of the United States

Professional Associations & Memberships

- American Bar Association
- Massachusetts Bar Association
- Boston Bar Association

Prior Professional Experience

- Criminal Division of the U.S. Department of Justice in Washington, D.C. under the Attorney General's Program for Honor Law Graduates, 1966
- Lieutenant on the General Staff, Headquarters, U.S. Army Europe, Heidelberg, Germany, September, 1966 - August, 1968
- Law Clerk to Honorable W. Arthur Garrity, Jr., U.S. District Court for the District of Massachusetts (Boston), September 1968 - 1969
- Herrick, Smith, Donald, Farley & Ketchem, Boston, Massachusetts, 1969 - 1975
- Solo Practice, Boston, 1975



Ruthanne Fuller
Mayor

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#161-18

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TDD/TTY
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Email
rfuller@newtonma.gov

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

RECEIVED
Newton City Clerk
February 26, 2018
2018 FEB 26 PM 2:45
David A. Olson, CMC
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to amend the provisions of Sec. 22-100 of the Ordinances to increase the maximum number of members of the Commission on Disabilities from nine (9) to thirteen (13). This change will reflect a recent change in the state law which authorizes municipalities to establish Commissions on Disability and sets the number of members permitted to serve on such Commissions: MGL c. 40, Sec. 8J, as amended by Acts 2016, c. 133, Sec. 46.

The proposed amendment language is attached.

Thank you for your consideration of this matter.

Warmly,

Ruthanne Fuller
Mayor

**ARTICLE VI.
COMMISSION ON DISABILITY**

Sec. 22-100. Created, membership, terms, removal, chairperson, officers.

There is hereby established within the city a commission on disability, consisting of not less than five (5) and not more than ~~nine (9)~~ thirteen (13) members to be appointed by the mayor with the approval of the city council. Such members shall be residents of the city and shall serve without compensation. A majority of said commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said commission shall be either an elected or appointed official of the city. The terms of the first members of said commission shall be for one, two or three years, and so arranged that the term of one-third of the members expires each year, and their successor shall be appointed for terms of three years each. Any member of said commission may, after a public hearing, if so requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. The chairperson and other officers shall be chosen by a majority vote of said commission members. (Ord. No. Z-74, 01-18-11; Ord. No. A-26, 08-12-13)

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Part I ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 40** POWERS AND DUTIES OF CITIES AND TOWNS**Section 8J** DISABILITY COMMISSION; POWERS AND DUTIES; MEMBERS; TERMS

Section 8J. A city which accepts the provisions of this section by vote of its city council, subject to the provisions of its charter, or a town which accepts the provisions of this section at an annual or special town meeting, may establish a commission on disability, hereinafter called the commission, to cause the full integration and participation of people with disabilities in such city or town. Such commission shall (1) research local problems of people with disabilities; (2) advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities; (3) coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts office on disability; (4) review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of said city or town as they affect people with disabilities; (5) provide information, referrals, guidance and technical assistance to

individuals, public agencies, businesses and organizations in all matters pertaining to disability; (6) coordinate activities of other local groups organized for similar purposes.

Said commission shall keep records of its meetings and actions and shall file an annual report which shall be printed in the city or town annual report and shall have at least ten meetings annually.

[Third paragraph effective until July 1, 2016. For text effective July 1, 2016, see below.]

Said commission shall consist of not less than five nor more than nine members. In cities, the members shall be appointed by the mayor, subject to the provisions of the city charter except that in cities having a Plan D or Plan E form of government said appointments shall be by the city manager, subject to the provisions of the charter, and in towns they shall be appointed by the selectmen, except towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen and except towns having a town council form of government, the town manager. A majority of said commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said commission shall be either an elected or appointed official of that city or town. The terms of the first members of said commission shall be for one, two or three years, and so arranged that the term of one-third of the members expires each year, and their successor shall be appointed for terms of three years each. Any member of said commission may, after a public hearing, if so requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the

unexpired term in the same manner as an original appointment. The chairperson and other officers shall be chosen by a majority vote of said commission members.

[Third paragraph as amended by 2016, 133, Sec. 46 effective July 1, 2016. See 2016, 133, Sec. 203. For text effective until July 1, 2016, see above.]

Said commission shall consist of not less than 5 and not more than 13 members. In cities, the members shall be appointed by the mayor, subject to the provisions of the city charter except that in cities having a Plan D or Plan E form of government said appointments shall be by the city manager, subject to the provisions of the charter, and in towns they shall be appointed by the selectmen, except towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen and except towns having a town council form of government, the town manager. A majority of said commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said commission shall be either an elected or appointed official of that city or town. The terms of the first members of said commission shall be for one, two or three years, and so arranged that the term of one-third of the members expires each year, and their successor shall be appointed for terms of three years each. Any member of said commission may, after a public hearing, if so requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. The chairperson and other officers shall be chosen by a majority vote of said commission members.

Said commission may receive gifts of property, both real and personal, in the name of the city or town, subject to the approval of the city council in a city or the board of selectmen in a town, such gifts to be managed and controlled by said commission for the purposes of this section.



Ruthanne Fuller
Mayor

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

#186-18
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

MEMORANDUM

DATE: March 23, 2018

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

FROM: Barney S. Heath, Director of Planning and Development
James Freas, Deputy Director of Planning and Development
Nicole Freedman, Director of Transportation Planning
Rachel Blatt Nadkarni, Long Range Planner

RE: **#186-18 Zoning Amendment for Shared Parking Pilot Program**
DIRECTOR OF PLANNING requesting amendments to Chapter 30, Newton Zoning Ordinance, to allow for a Shared Parking Pilot Program as an accessory use in commercial districts.

MEETING DATE: March 26, 2018

CC: Ouida Young, City Solicitor
Jonah Temple, Assistant City Solicitor
John Lojek, Commissioner of ISD
Planning Board

Circling around searching for an open parking space on a busy Friday night, Joe passes by an open parking lot with plenty of available space. The lot belongs to a bank that closed at 5pm, it's 6:30pm now and the lot is empty, just steps from the restaurant where Joe's late for his reservation. IF ONLY! If only he could park there and not risk being towed! He can't, so he continues to circle.

This scenario plays out frequently in Newton's village centers. Drivers pass by empty privately-owned parking lots, while the public parking is full; a visible sign of the inefficiencies in the parking system and a contributing factor in the amount of traffic in village centers.

The Newton Centre Parking Strategy found that on-street parking in the core of Newton Centre is functionally full during much of the day; but even at the busiest times 43% of the total parking in

Newton Centre is empty when private parking is counted too. Given this situation, one of the primary tactics identified in the Strategy is to create a system where the public can legally park in private lots.

While businesses and visitors, particularly in Newton Centre and West Newton Square, have expressed interest to the City about opening up private spaces for public use, the zoning ordinance currently precludes this option. Building on the interest we've heard, the City's Planning and Development Department, Transportation Division of the Public Works Department, and the Law Department have been working to develop a Shared-Parking Pilot Program to encourage efficient shared parking.

Why is this project before ZAP?

The zoning ordinance governs use of private land for all uses, including parking. The zoning ordinance allows for a number of different parking uses, but nothing that quite aligns with the concept of shared-parking that we have heard interest in. The City Council and the Zoning and Planning Committee specifically, will be asked to review zoning amendments to allow this to move forward.

What do you mean by shared-parking?

The zoning ordinance sets out requirements for parking to be created on site for every use (office, retail, salon, etc.). In the proposed pilot program, parking spaces tied to commercial uses would be allowed to make the parking spaces that they use available to the public when they are not needed by the business.

How does the zoning ordinance address shared parking today?

Each business is required to have a certain amount of parking available to its customers. For instance, a medical office is required to have 1 parking space per every 200 square feet of space available for its patients at all times and the neighboring restaurant is required to have 1 parking space per every 3 seats available for its customers. Even though these two uses have very different peak times (daytime for the medical office and evening for the restaurant), they must each have their own dedicated parking lot.

If for some reason, the restaurant couldn't provide the required spaces on site and there was more than enough space at the medical office building, the restaurant could get a special permit to have its parking on the office building's property. Because a special permit runs with the land – it and any conditions placed upon it stay in effect in perpetuity – these “non-accessory” parking agreements are typically used for situations where one property cannot provide parking rather than for sharing resources between properties to gain efficiency or improve customer service in the short term.

The zoning ordinance specifically does not allow parking off-premises unless there is a special permit approved “non-accessory” parking agreement. So in the hypothetical situation above, any time a dinner customer from the restaurant parks at the medical office building (when it's closed), technically a zoning violation has occurred.

The Accessory Shared Parking Pilot

The City has been exploring programs that would allow private lot owners that sometimes have excess capacity and parkers looking for spaces to find each other. Under the pilot program, accepted parking lot owners with excess capacity in off-peak times would be able to share their accessory parking with their neighbors. The benefits to the City include: making the parking system operate more efficiently overall, relieving pressure on on-street parking facilities, and offering additional choices to constituents.

The Planning Department, Public Works-Transportation Division, and Law Department are still developing the details of the pilot. A general outline is included below and the pilot is anticipated to last 3 years, with the expectation that it could be cancelled at any time if problems arise.

The pilot consists of the following:

- 1) The City of Newton would enact enabling language in the zoning ordinance for the 3-year pilot including general requirements, e.g.:
 - Limit the pilot to properties in Business, Mixed Use, or Manufacturing Zones
 - Requirement for a zoning review and acceptance into the pilot program before sharing parking
 - Acceptance decision would be made by the Commissioner of Inspectional Services to establish an appeals pathway to the Zoning Board of Appeals
 - Annual re-evaluation reports to the Council and a sunset clause on the pilot ending 3-years from adoption
- 2) The City of Newton would simultaneously establish parameters and procedure for accepting a property into the Pilot Program
 - Application requirements, including:
 - Number and location of parking spaces to be used
 - Photos of the area
 - How the spaces will be indicated to parkers
 - Typical parking utilization for the business
 - Estimated times parking would be shared
 - Requirements for how lot owners interact with parkers, including:
 - Requirement to have option to blackout dates/times when the parking is needed by the lot owner in real time and communicate with parkers
 - Requirement to provide customer service system in real time
 - Requirements for communications with the City

Background on customer service requirements

City staff explored the possibility of a traditional permit program administered by the City (e.g. with stickers or hang tags) but found that it is difficult to make such a system responsive to changing parking availability and would be time consuming to administer.

Selecting how many spaces could be made available to permit holders every day can be challenging and leaves everyone wondering about the “What-If’s.” For example, how would a permit program handle one-off events like a Wednesday baptism at a Church or a holiday party at an office building that normally closes at 5pm? A traditional permit works well if the spaces can reliably be made available for routine daily parking.

What we found, is that there are now a number of technology-enabled shared parking support companies that offer real time communications between all parties – the lot owner, the parker, a customer service representative, and city staff if needed. These companies also allow the lot owner to make decisions in real time about how much parking to share – the last-minute events and sudden changes in plans no longer become a reason not to share on the other 364 days a year.

The support companies also help resolve the economics that have limited lot-owners’ willingness to participate in shared-parking trials in the past. Sharing a private parking lot with the public may mean additional liability, maintenance, or work for the lot owner. Parking shared via technology-enabled support companies is typically parking that people pay for access to, which gives lot owners the income to cover additional costs. These support companies are also working with lot owners to resolve liability questions and/or provide additional insurance.

The parkers utilizing the spaces also benefit more from working with technology-enabled support companies than from permits issued by the City. Instead of competing with other permit holders for prime spots, the support companies offer online/in-phone booking and payment, clear directions to a particular parking space, and immediate customer support if issues arise. Dedicated staff would be required if the City were to offer a comparable level of customer service in a permit program.

Next Steps

This first meeting on March 26th is anticipated to be an introductory conversation and an opportunity for the Council to pose questions they’d like to see answered in the more in-depth discussion at the meeting on April 9th. Staff intend to provide full draft text of the proposed zoning language and a more detailed description of the pilot elements for the April 9th discussion.



Ruthanne Fuller
Mayor

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

#75-18
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

MEMORANDUM

Date: March 23, 2018

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

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

SUBJECT: Zoning Redesign

MEETING DATE: March 25, 2018

CC: City Council
Planning and Development Board
Ouida Young, City Solicitor

On March 15th, 2018 the Planning Department hosted the seventh of a series of topic-based Zoning Redesign events. This event was titled *Building Shape, Size, and Form in Neighborhoods and Village Centers* and focused on how Newton's zoning ordinance could incorporate the basic design principles that define Newton's great villages and neighborhoods. For the upcoming Zoning and Planning Committee meeting staff will share the presentation from this event, review the comments and discussion from the public, and facilitate a discussion of the same topics with the Committee. Attached is an info sheet from the event, which describes the topics that were presented. Staff will provide the event Summary Report for the Committee at the meeting.

Building Shape, Size, and Form in Neighborhoods and Village Centers ^{#75-18}

March 15, 2018 6:30 - 8:00 p.m.
Newton Free Library, 330 Homer Street

www.courbanize.com/newtonzoning

Zoning is one of the most important tools the City has to ensure that the basic design principles that define Newton's great villages and neighborhoods are maintained even as buildings change over time. In Newton's villages the streets are lined with open shopfronts and frequent building entrances that make for a lively and interesting pedestrian environment. For many of Newton's neighborhoods, there is a consistent context of building scale and setback that makes for a pleasing sense of community. In either of these environments, the architectural style and the building materials can vary, as long as these design principles are reinforced and maintained.

What are the design principles that make for a great village center or neighborhood?

On March 15th, we will explore how Newton's Zoning Ordinance could:

- Maintain and enhance the great design found in many of the city's villages and neighborhoods.
- Introduce these same design principles into other parts of the city so that we improve our commercial areas and provide greater contextual consistency in neighborhoods as they change.
- Provide options for addressing the issue of tear-downs / mansionization in residential neighborhoods.
- Guide appropriate building forms in areas that transition between village centers, commercial areas, and neighborhoods.

Wheelchair accessible location. For ADA accommodations, contact Jini Fairley at least two business days in advance: jfairley@newtonma.gov or 617-796-1253. For City's TTY/TDD: 617-796-1089. For TRS, dial 711.