



Zoning & Planning Committee

Agenda

City of Newton

In City Council

Monday, June 10, 2019

7:00PM

Room 205/Council Chamber

Items Scheduled for Discussion:

#140-19(3) Zoning amendments for Riverside Station

RIVERSIDE STATION/355 GROVE STREET AND 399 GROVE STREET requesting amendments to Chapter 30, Newton Zoning Ordinance, in Sections 4.2.3 and 4.2.4 relative to the Mixed Use 3 District.

#187-19 Zoning amendment from Newton LFIA for Riverside Station

LOWER FALLS IMPROVEMENT ASSOCIATION RIVERSIDE COMMITTEE requesting to amend Chapter 30, City of Newton Zoning Ordinance, Sections 4.2 and 7.3.5 pertaining to the Mixed Use3/Transit-Oriented zoning district.

A Public Hearing will be held on this item:

#128-19 Zoning Amendment for short-term rentals

DIRECTOR OF PLANNING proposing to amend Chapter 30, City of Newton Zoning Ordinances, in order to create a short-term rental ordinance that defines the short-term rental and bed & breakfast uses, identifies what zoning districts they would be allowed in and under what criteria, conditions, limitations and permitting process.

Referred to Zoning & Planning, Public Safety, and Finance Committees

#136-19 Short-term rental ordinance with fees

DIRECTOR OF PLANNING proposing amendments to Chapter 20 and 17 of the Revised Ordinances of the City of Newton to create a short-term rental ordinance with fees that would require registration of short-term rentals with the City's Inspectional Services Department and fire inspections to protect public health and safety.

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.

A Public Hearing will be held on this item:

#188-19 Zoning amendment for Inclusionary Zoning

DIRECTOR OF PLANNING requesting amendments to the Inclusionary Zoning provisions of Chapter 30, Newton Zoning Ordinance, to apply the requirements to any project including seven or more residential units; to increase the required percentage of affordable units for projects of a certain size; to require that some affordable units be designated for middle-income households; to create a new formula for calculating payments in lieu of affordable units and fractional cash payments; to waive certain inclusionary zoning requirements for 100% deed-restricted affordable developments; to strengthen the Elder Housing with Services requirements; and to clarify and improve the ordinance with other changes as necessary.

#190-19 Conservation Restriction for 30 Wabasso Street

HER HONOR THE MAYOR requesting approval to grant a conservation restriction at 30 Wabasso Street to the Newton Conservators. This 5,184 square foot parcel of land was acquired by the City in 2007 with Community Preservation Act funds and added to the Flowed Meadow Conservation Area. Any parcels purchased using such funds must be bound by a permanent conservation restriction.

Respectfully Submitted,

Susan S. Albright, Chair



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#190-19

Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089

Email
rfuller@newtonma.gov

May 13, 2019

RECEIVED
NEWTON CITY CLERK
2019 MAY 13 AM 11:26
DAVID A. OLSON, CLERK
NEWTON, MA 02459

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

Honorable City Councilors:

I write to request that this Honorable Council docket a request to approve a Conservation Restriction covering 30 Wabasso Street, a 5184 square foot addition to the Flowed Meadow Conservation Area in Auburndale acquired by the City in 2007 using Community Preservation funds.

The Community Preservation Act requires that parcels purchased using CPA funds be bound by a permanent conservation restriction. This restriction will be granted to the Newton Conservators, a nonprofit organization which promotes protection of natural areas. They will receive a \$7500 grant from the Community Preservation Committee to cover their expenses in managing and enforcing the CR in perpetuity. Other CPA-funded conservation restrictions have also been granted to the Conservators. After Council approval the CR will be sent to the state for final signature and then recorded at the Registry of Deeds.

Attached are the Community Preservation Committee docket form, a summary of the restriction and lot sketch plan, and the CR document itself.

Thank you for your consideration of this matter.

Sincerely,

Mayor Ruthanne Fuller

I. 30 Wabasso Street Conservation Restriction--Summary

30 Wabasso Street is a small parcel of land located next to the Flowed Meadow Conservation Area and the Charles River in Newton. The parcel was acquired by the City of Newton in 2007 using \$355,000 in Community Preservation Act Funds.

The CR is a standard form developed by the Massachusetts Executive Office of Energy and Environment (EEA). The CR insures that the parcel be permanently maintained in a natural and scenic condition. Permitted activities include outdoor passive recreational activities such as hiking, nature study and boating. Examples of prohibited activities are the construction of structures, cutting of vegetation, removal of soil and parking or storage of motorized vehicles.

The 30 Wabasso Street CR has been approved and signed by the Newton Conservation Commission. It will be signed by the Newton Conservators during the week of May 13, 2019. The next steps are to obtain the approval of the City Council, and the Mayor. Then the CR will be sent to EEA for the signature of the Secretary of the Executive Office of Environmental Affairs. And finally, the CR is recorded at the Middlesex South Registry of Deeds.

The Newton Conservators will also receive a grant of \$7,500 from the Community Preservation Fund to cover their expenses in managing and enforcing the CR.

For all Conservation Restrictions: The Community Preservation Act, M.G.L c. 44B, § 12a, requires that property acquired using CPA funds be bound by a permanent conservation restriction. Conservation Restrictions ("CRs") for Newton's CPA acquisitions are granted to the Newton Conservators. Past examples include Angino Farm (2005) and Waban Hill Reservoir (2015). Approval procedures are the same for all of these CRs.



RECEIVED
Newton City Clerk
2019 MAY 13 AM 11:26
David A. Olson, City Clerk
Newton, MA 02450

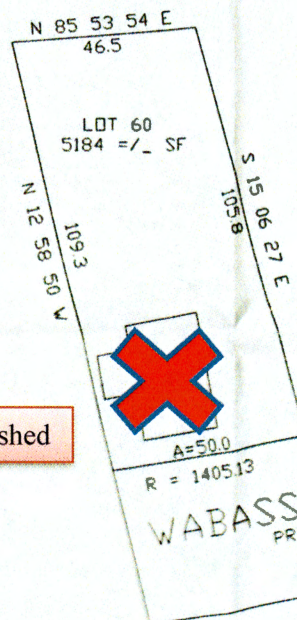
N84-38872

PARADISE COVE



N/F
NORMAN AND
KATHERINE V
HOBICA

House has been demolished



OWNER OF RECORD
THOMAS DONALD WIGHTMAN TRUST
THOMAS DONALD WIGHTMAN TRUSTEE

DEED REFERENCE
BOOK 7209 PAGE 443

PLAN REFERENCE
PLAN BOOK 303 PLAN 15

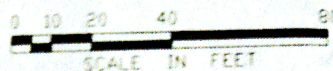
APPROVAL OF THIS PLAN UNDER
THE SUBDIVISION CONTROL LAW
IS NOT REQUIRED

CLERK [Signature]
DATE 11/1/07

ENDORSEMENT OF THIS PLAN IS
NOT A DETERMINATION AS TO
CONFORMANCE WITH ZONING
REGULATIONS

I CERTIFY THAT THIS PLAN HAS
BEEN PREPARED IN ACCORDANCE
WITH THE RULES AND REGULATIONS
OF THE REGISTERS OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS

[Signature]
REGISTERED PROFESSIONAL LAND SURVEYOR
DATE



PLAN OF LAND
30 WABASSO STREET
NEWTON MASSACHUSETTS
OCTOBER 10, 2007 SCALE 1"=20'
CITY OF NEWTON DPW
ENGINEERING DIVISION
LOUIS TAVERNA CITY ENGINEER

N84-38872

GRANTOR: City of Newton

GRANTEE: Newton Conservators, Incorporated

ADDRESS OF PREMISES: 30 Wabasso Street,
Newton, MA

FOR GRANTOR'S TITLE SEE:
Middlesex South Registry of Deeds
Book 50331, Page 144

RECEIVED
Newton City Clerk
2019 MAY 13 AM 11:26
David A. Olson, Clerk
Newton, MA 02459

CONSERVATION RESTRICTION

The City of Newton, acting by and through its Mayor, with a mailing address at 1000 Commonwealth Avenue, Newton Centre, Massachusetts 02459, being the sole owner, for its successors and assigns (hereinafter referenced to as the "Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, hereby grants with QUITCLAIM COVENANTS to Newton Conservators, Incorporated, having an address of P.O. Box 590011, Newton Centre, Massachusetts 02459 and its permitted successors and assigns (hereinafter referred to as the "Grantee"), for nominal consideration, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction located on a parcel of land off Wabasso Street in Newton, Massachusetts constituting approximately five thousand one hundred eighty-four square feet (5,184), ("Premises") which Premises is more particularly described in Exhibit A and shown as Lot 60 on the attached plan, "Map of Forest Grove Situated in Newton, MA", prepared by Rowland H. Barnes & Henry F. Beal, civil engineers, Boston & Waltham, Massachusetts, dated June 1919, filed with Middlesex South Registry of Deeds, Book of Plans number 303, Plan 15, a reduced copy of which is attached hereto as Exhibit B, both of which are attached hereto and incorporated herein.

I. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in perpetuity for conservation purposes, in a natural, scenic and undeveloped condition, and to prevent any use or change that would impair or interfere with its open space, conservation and preservation values ("conservation values").

The Premises were acquired using M.G.L. c. 44B Community Preservation Act funds, and a copy of the Newton Board of Aldermen Order #257-07 authorizing the use of such funds for such purpose is attached hereto as Exhibit C.

The conservation values include the following:

Open Space Protection. The Premises contributes to the protection of the scenic and natural character of the Charles River and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises abuts land already conserved by the City of Newton, named Flowed Meadow Conservation Area, which has a total area of 28.80 acres. The Premises borders the Flowed Meadow Conservation Area by 105.8 feet to the east and 50.0 feet to the south. The Premises shares a border 46.5 feet to the north with a section of the Charles River known as Purgatory Cove.

Consistency with Clearly Delineated Federal, State, or Local Governmental Conservation Policy. Protecting open space is a goal in Newton, with specific points of importance outlined in the 2014 Open Space and Recreation Plan "OSRP" and also in the Newton Comprehensive Plan section for Open Space and Recreation.

Specifically, in this area close to the Charles River, Newton's OSRP states,

"Strategic additions to major blocks of conservation land and other large open spaces in conjunction with recognizing important corridors for wildlife movement are key in this undertaking. Parcels that are contiguous with existing conservation lands should be considered for elevated priority. The value of biodiversity and protection of native species is hereby again explicitly acknowledged as an important component of planning for open space preservation within our community. The principle of linkage is also useful in consideration of other open space assets, such as preservation of visual corridors and scenic roads."
Sec. 6, p. 7.

Another main-focus for Newton, as described in the OSRP is connectivity of trail systems:

"An important concept receiving significant interest within Newton is for the establishment of various trail systems. These have the potential for facilitating integration and/or linking of various open space resources while also providing the benefits of walkable pathways and multiple points of access. Possibilities include consideration of an overall trail network, aqueduct loop trails,

interconnections with segments of the Charles River pathway, connections with potential future rail trails and also connections with regional trail systems. With the increased presence of trail bikes, it will be important to address ways to accommodate bike access to and use of suitable trails and appropriate open spaces while also preserving natural resources and respecting pedestrian use.”
 Sec. 6, p. 8.

Flood Plain Protection. A portion (~0.037 acres) of the Premises lies within the 100-year floodplain of the Charles River at Purgatory Cove. The protection of this floodplain will ensure the continued availability of this flood storage during major storm events. A capped municipal landfill is to the south of the site within 500 feet. The preservation of the Premises for stormwater infiltration is critical for keeping contaminants out of the Charles River. The permanent conservation of the Premises will prevent development on a riverfront property, will conserve an area of Prime Forest Land 3, and will contribute to the overall water quality maintenance provided by the forests of the Flowed Meadow Conservation Area through natural stormwater management.

Geology, Topography, Soils. The Premises falls within the Boston Basin Ecoregion and is currently comprised of two land uses, Forested and Forested Wetland, as categorized by the MassGIS online mapping tool, OLIVER. The Premises includes .119 acres of Hinckley loamy sand, categorized as Prime Forest Land 3 by the USDA. There is no Prime Farmland on the Premises.

Public access. Public access to the Premises will be allowed for passive recreation and nature study. The Premises will permanently conserve 70 feet of the Flowed Meadow Trail which allows almost continuous access to the Charles River through the Lakes District of Newton.

BioMap2. The Premises consists of 0.119 acres of Upland Buffer of Aquatic Core Critical Natural Landscape as defined by the Massachusetts Natural Heritage and Endangered Species Program. As an area upland of an Aquatic Core Landscape, this land can be critical in the health and function of the wetland area.

Water Quality Protection. Protection of the Premises will assist in meeting the requirements of TMDL (Total Maximum Daily Load) of phosphorus for the Charles River.

These and other conservation values of the Premises, as well as its current uses and state of improvement, are described in a Baseline Documentation Report (“Baseline Report”) prepared by Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and referenced herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, and (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant other than the Baseline Report, should the Baseline Report be unavailable or if it does not adequately address the issues presented.

Exhibit C – City Vote Authorizing the use of CPA Funds**IN BOARD OF ALDERMEN**

EXHIBIT C

October 15, 2007

ORDERED:

That, in accordance with the recommendations of the Community Preservation Committee, through its Chairman Judy Jacobson; the Board of Aldermen Committee on Community Preservation, through its Chairman Alderman Stephen Linsky; and the Finance Committee through its Chairman Alderman Paul Coletti the sum of Three Hundred Fifty-Eight Thousand, Six Hundred Dollars (\$358,600) is hereby appropriated and transferred from the Community Preservation Open Space Reserve and the Community Preservation General Reserve, to be expended under the direction and control of the Director of Planning and Development for purposes of funding a grant to pay for the purchase and associated legal costs of acquiring and clearing 30 Wabasso St. (assessors' parcel id number 41031 0053), as an addition to the Flowed Meadow Conservation Area in Auburndale, as described in the Community Preservation Committee Recommendation (submitted 15 August 2007, revised 4 September 2007) and the proposal (submitted 18 July 2007, revised 1 August 2007).

FROM:	Fund Balance – Open Space Purposes	
	(21-3321A).....	\$ 298,981.98
	Open Space Reserve	
	(21R10498-5790A).....	\$ 59,618.02
TO:	Open Space Projects; 30 Wabasso Street Purchase	
	(21A11408-5810).....	\$ 355,000.00
	For legal services	
	(21A11408-5309).....	\$3,600.00
	TOTAL	\$ 358,600.00

Under Suspension of Rules

Readings Waived and Approved

21 yeas, 0 nays, 3 absent (Ald. Johnson, Mansfield and Weisbuch)

(SGD) DAVID A. OLSON

City Clerk

(SGD) DAVID B. COHEN

Mayor

Date _____

(SGD) PAUL E. COLETTI

Chairman, Finance Committee

