# Zoning Advisory Committee

Marc Rudnick, Laura Cannon, Co-Chairs; John Hawkes, Clerk

Members: Charnan Bray, Aaron Ladd, Robert LeBlanc, Annette Reynolds

## Report to the City Council, August 2015

The Zoning Advisory Committee was charged by the City Council with examining the issues and problems concerning the Zoning Ordinance of the City. In the 25 years since the last major zoning review in Waltham, we have struggled to encourage and regulate significant residential and commercial development while retaining our sense of community and neighborhoods. This primary goal of zoning must always be at the forefront in examining our ordinances and in recommending changes.

In order to form our understanding of the issues, the Zoning Advisory Committee met with Community Preservation Associates, the Council's consultants, members of city boards and commissions, city department heads, developers and other interested parties. We established several venues for public input including a public input portal website, a twitter account, our open meetings, and a well-attended public input session at the library on April 30th.

To focus our efforts, the committee formed sub-committees to gather information in our major focus areas: Permitting and Process; Planning and the Big Picture; Residential; Commercial/Industrial; Downtown; Open Space; and Affordable Housing.

During these past six months, we have learned there is broad dissatisfaction with a zoning ordinance that has become disorganized, incomplete, and out of sync with changing cultural and economic expectations. Some of this is due to the evolving make-up, expectations and concerns of the community, to the evolution of the demographics of the Greater Boston and Metrowest region, and some is due to the changes in available resources to businesses, municipalities, developers and residents. Other complaints pointed to structural, and staffing shortcomings of the municipality that impact the application of zoning throughout the city.

Our primary conclusion in analyzing and weighing the feedback we received is that, as a system for defining, evaluating, sanctioning, guiding, planning, and regulating development, our zoning is not functioning well. That, along with the length of time since the last zoning overhaul, convinces us that a complete rewrite of the ordinance and redesign of the districts and map is in order at this time. We realize this is a significant investment for the city, and are pleased that the city is working with Community Preservation Associates who seem well positioned to implement such a comprehensive rewrite.

In our preliminary report, we summarized the specifics voiced to the committee as underscoring several broad concerns:

There are significant barriers to small scale development;

Downtown zoning is difficult to navigate, outdated and unclear;

Density controls are out-of-date, inconsistent and poorly mapped;

Definitions, Table of uses, and Dimensional criteria are incomplete and inconsistent;

The special permit process is over-used and lot size inequities add to special permit load;

The ordinance is weak on protections for historic preservation, natural resources;

Incentive zoning needs improvement: e.g. affordable housing, cluster development.

In the following pages we have laid out a more in depth examination of the deficiencies perceived by the public and the committee, and where appropriate, suggestions for improvement.

Here are some general considerations:

As a city we need a process for developing and maintaining a Master Plan for our Private and Public spaces so we have a guide to our future. We as a City should be planning our development, not reacting to proposals from Developers. We need to update our zoning and uses to reflect out City and the new generation of people who reply on public transportation. We are lucky to have a Commuter Rail Station and need to encourage the use of that by our residents through appropriate zoning change. The city needs to review our code annually or biannually to assure we are still on track with a Master plan. The Zoning code should be an ever-evolving document.

The current Ezoning' Regulations available on the city's website are difficult to read and review. The Ecode' format should be transferred to a more user-friendly format with Section review capability. Because of the current inflexibility, amendments to Zoning Code difficult to find. City staff isn't always aware of changes. Amendments should be clearly identified on-line and publicized in social media, City website and in all Departments. The Planning Dept. should disseminate information.

There is ambiguous language in the zoning ordinance. For example, there is language that permits approval based on "discretion" by Building Dept. As examples, Section 6.32 specifies "sufficient information to the Inspector; Section 6.32(a) states "satisfied as to the correctness of the application; and Section 6.32(b) "judgment of the Inspector of Buildings." This can work against uniform application of the code. Requirements must be more carefully defined and objective in nature.

Ambiguity in the code can lead to circumstances where a decision is asked of the law department, resulting in significant delays.

Language throughout the ordinance needs to be cleaner and easier to follow. Pictures and graphs would reduce ambiguity for residents and officials.

There is a lack of uniform zoning enforcement. The city should have at least one fulltime zoning enforcement officer to enforce regulations with clearly distinguished process for filing a complaint and response by Enforcement Officer. At the current time, without a Zoning Enforcement Officer, the building department is in a reactive rather than pro-active mode with respect to enforcement. The trigger for enforcement is a complaint by a business or resident, which leads to erratic rather than uniform enforcement of the regulations.

**THE DEVELOPMENT PROCESS**

**There is a need to streamline and ameliorate any unnecessary complexity of the permitting process on all levels.**

As a city we should restructure our Planning Department. At the current time, its primary function is to apply for and monitor Federal Community Development Block Grants. Its role should be expanded to provide a liaison to assist homeowners and developers throughout the permitting process. We also need a person in our Building Department whose responsibility is interpretation of our Zoning ordinance. The Building Inspector is the enforcer, but we need someone to interpret the intent of our ordinances.

Public input tells us that some of the processes currently required can and should be simplified. Because of the existing process, some projects that are simple in scope and execution require a full-blown special permit process be used, in many cases at substantial and unreasonable cost compared to the cost of the project. We suggest that the Planning Department become the initial stop for special permit review and guidance.

Smaller projects could be routed to an appropriate department or board for review, to be handled administratively. For example, projects under 10,000 sq. ft. could be handled by the Zoning Board of Appeals; wireless communications would go to Board of Survey and Planning and Fuel Storage Permits would be approved by the Fire Department. "Significant Impact" projects would go to City Council.

As another example, the city should simplify the process for a homeowner who wishes to add on to their home by making additions, decks and stairways - normally a by-right construction, even though their lot or structure may be non-conforming.

A simple amendment to an existing special permit is another area requiring an excessive amount of effort, essentially requiring the effort of a new special permit application. If an amendment is proposed to the Special Permit it should be a simple filing not a full blown hearing reviewing all aspects of the original permit plus the amendment.

One area our work has highlighted is the very large number of non-conforming lots in the city. This large number means that when changes are required, there is an administrative burden on the owner. In some instances, small changes to the code will dramatically reduce the number of non-conforming situations, and hence, reduce the need for special permits.

For example, we found that in zoning district RA4, over 60% of the properties are non-conforming because they do not meet the minimum lot size of 7,000 square feet. If the minimum lot size were changed to 6,000 square feet, the percent of non-conforming properties would drop to 44%. In some neighborhoods, over 90% of the properties are smaller than the minimum lot size that was assigned to those neighborhoods long after the parcels were laid out.

There should be a monthly meeting of Department heads to review large development projects- all department heads would hear issues at one time, and then make recommendations to developers. This would eliminate conflicting requirements as departments interpret regulations differently. It would simplify the overall process for developers, making Waltham a desirable city for economic

development. Developments by right shouldn’t need to go in front of any department head. This causes unnecessary delays.

The Planning Department should also include an Economic Development function to assist business owners and development projects through the process. The city should hire an expert planner to work with business owners and developers to help them through the permitting process.

The building permit application process in Building Department is confusing. A checklist should be provided by Building Department, broken down by Business Type: Retail- Steps 1-10, Restaurant 1-10, Residential, etc. All applications should be available online (no stock paper requirement). The city should provide a "How to Do Business in Waltham" Guidebook.

The current Table of Uses is unreasonably restrictive. It lists only permitted uses. If a use is not listed, it is not allowed, and a zoning change is required to permit another use. We recommend changing the table of uses to enable all uses with those not listed allowable by special permit. We also recommend a list of prohibited uses. We also suggest that the table of uses be broadened and better defined. Here are some examples:

Medical Facility should include "and or like" - allowing an organ transplant center to get permits;

List landscape businesses;

List general contracting businesses;

Review Yogurt shops - why wouldn't this fall under fast food establishments;

We suggest it would be worthwhile to review what other towns and cities allow in their table of uses.

**DOWNTOWN DEVELOPMENT**

The primary issues that have the greatest impact on small businesses in the Downtown relate to the general process issues that been discussed elsewhere in this report: the need to streamline special permit process, the need for a point person in the Planning Department to review permits and provide direction, need for a Handbook for New Businesses providing guidance for potential business owners, need for a checklist in the Building Department on permit requirements.

Specific issues pertaining to the Downtown (primarily the Business C District – the Moody and Main Street corridor) relate to the Table of Uses, Sign Code Regulations and Code Enforcement.

**Table of Uses:**

In addition to the examples provided in the previous section on The Development Process, we recommend the addition of the following uses with updated definitions to the table of uses:

Coffee Shop

Indoor Fitness (allow for spin studios, yoga centers) allow by right in all commercial and business zones and separate from other definitions of recreation facilities

Gallery or museum allowed in all commercial and business zones (would cover paint and pour example)

Educational commercial locations not as part of institutional break down

Doctors, dentist or professional offices separated from banks

**Sign Code Regulations**

The sign code regulations determine the standards for the appearance of the Downtown. Currently signage is a mix of outdated signs, signs in disrepair adjacent to newer upscale signage. Design standards and enforcement of those standards is the key to an overhaul of the appearance of the Downtown. The Sign ordinance- needs review and rewriting. A tour of the city shows lack of awareness or lack of acknowledgement of the current sign ordinance. There is a great need for uniform regulation of the sign codes. This could be done by a Sign Enforcement Officer or by a person with that responsibility under the supervision or purview of the Zoning Enforcement Officer.

The Planning Department could act as a design review authority without the need for a City Council or ZBA review process. The Planning Department currently oversees the Downtown Waltham Partnership Storefront Improvement Program funded with CDBG finds to provide grants for storefronts improvements. An expansion of this project, which includes a design review, would be one approach to improvement in design controls.

The Sign Code (Section 6.1-6.9) itself is outdated, contradictory and confusing to follow. We suggest the following:

**Fees-** remove fee amounts from the ordinance itself. These should be determined independently, and not require a change in regulations.

**Use a Chart to indicate Zoning Districts and Requirements,** (rather than individual sections. The chart would describe number of signs, maximum area, maximum letter height, permit requirements, etc. The Town of Wellesley Sign Code is an example of how this can be accomplished.

**Remove areas of interpretation by "Inspector of Buildings"** (as mentioned above) and remove ambiguity about items such as Premises Identification Sign (include street number? Sec. 6.39), and "kept in good general repair and properly maintained." Pictures and diagrams would be help eliminate ambiguity and lead to greater uniformity across the city.

**Outdoor Seating**

The discussion of permitting outdoor seating had been an ongoing discussion for businesses in the Downtown. With provisions for handicapped access, outdoor seating would be a positive addition to the Downtown and is currently being considered for the Waltham Beer Company currently under construction.

**Valet Parking**

Many businesses would benefit from valet parking to alleviate parking restrictions in the Downtown. Currently valet parking is not permitted in the Downtown. Many other neighboring communities have permitted valet parking to ease the parking congestion.

## COMMERCIAL DEVELOPMENT

The commercial zoning district along 128 was designed for a world that no longer exists. Best practices abound for implementing more convivial office parks and commercial facilities. Waltham is blessed in have a major separation of the 128 districts from the residential zones of the city. Modernizing zoning here should make little impact on residential areas, while improving the mix of opportunities in the corridor.

One idea that had traction among developers is to change the zone along route 128 (limited commercial zones & Second Avenue) to include more of the innovative terms of the limited commercial overlay district at the end of Totten Pond Rd & Third Avenue.

Other communities are embracing campus-like office parks offering a "live, work, & play" experience that attracts office workers seeking a more livable approach to the workplace. Expanding the terms of the limited commercial overlay district to allow for a larger footprint in the retail areas and to allow residential units to be included in the zone could be a part of this reorganization.

All of the outdated criteria applied to these zones need to be re-evaluated. Is there any reason to restrict structure to 3 stories by right in this part of the city? A major overhaul of these commercial districts is imperative to attract business to this essential sector of the city.

### The Commercial Development Process

The commercial development process takes at least 3 to 4 times as long as other similar communities.

One proposed change to the current process would allow the owners to change make small changes to a special permit administratively by the Planning department not undertake the entire process again as it exists now.

As mentioned above, the Planning Department should be given a greater role in the Special Permit process to isolate and raise key issues which would them go to the entire City Council to determine. Cambridge & Boston have implemented such a process and should be reviewed to see if their experience can offer insights as to how this could be implemented in Waltham.

**RESIDENTIAL DEVELOPMENT**

The current code provides for Grandfathering of lots in the city to allow reduced setbacks & frontage. At least 80% of the homes in the City were built on these lots.

Another issue occurs whenever a person wants to build an addition to their home or sell the home to a builder to tear it down and rebuild. Currently, there is a requirement to submit a full title examination. This process at one point was completed by the law department and took at a minimum 4-6 months to complete. The building department has retained control but the process is time consuming and burdensome. A solution to the problem would be to revise the submission form to add a certification from a surveyor that the lot lines are the same as the plan creating the lot or deed, as of the statutory dates of Oct 1948 and May 1952 as set forth in the title certification.

In the late 1940's our city ordinance provided the ability for four unrelated people to live together and many homeowners constructed accessory apartments with or without building permits. Many families now have aging parents they wish to care for locally. Others, due to the high cost of housing have adult children moving home after college. An ordinance that would allow the construction or the legalization of existing accessory apartments would help residents in both these situations.

Our city has two major colleges, both of which have students in off campus housing. This can and has resulted in dangerous situations including overcrowding, adding locked doors to buildings, turning basements and attics into rooms. These are extremely dangerous situation for these students who either cannot afford better housing or do not know any better. To address these issues, Waltham should adopt similar ordinances to those in Allston/Brighton which requires the colleges to register their off campus students and provide for yearly inspections for these "college houses" to ensure they are safe.

Conflicting and outdated zoning requirements complicate development and re-development of multi-family structures in the city. Alternatives like reducing the minimum allowed unit size (say to the Boston standard of 450 square feet), reducing parking requirements for redeveloped multis and for projects in transit-oriented districts, and eliminating FAR in zones that can support greater density should all be considered.

Units per acre should be revised. A previous zoning change lowered the number of units per acre from 16 to 6. This limits any type of density to build downtown without a special permit.

There are many concerns about the Parking Requirements, specified in the current code. Some concerns are:

For greater clarity, the parking requirements should be in fully separate sections for single family, 2-family, multi-family and commercial zones

Renovated parking must conform to new-development standards due to murky Definition: "Parking areas, whether ***or not required*** shall be designed and built according to the following standards…"

Since Residence B does not allow tandem parking, on small parcels large parking lots are created instead of driveways on each side, and here one cannot park in front of a garage, as in other districts

The ordinance is unclear regarding parking for multi-family, forcing upgrades to parking for existing multi-families to conform to new-development requirements

Transit proximity should be considered in parking requirements

There were many different questions that arose regarding requirements in Residential Districts:

Building height is determined on the perimeter of the property. This is disadvantage to low sloping lots. Can building heights should be determined by the average of final grade within 6 feet of foundation?

Should there be differing Corner lots restrictions for larger and smaller projects

FAR Ratios -- Far Ratio for Residence C is .20, too restrictive for small buildings in this dense neighborhood, making many lots unbuildable if redeveloped. For smaller projects (3-6 units) where redevelopment would make sense, can an alternative to the special permit process be developed?

All residential structures should have one front door that faces the street. This will eliminate the unsightly look of sideway condos. All structures should allow unenclosed decks, porches and the like to project into the setback. The provision below would achieve this:

Exterior uncovered stairways, covered and uncovered (but not enclosed, glazed, or screened) entrance porticoes, stoops, vestibules, bulkheads, first floor open-air porches, and cantilevered balconies are permitted as long as they project no more than four (4) feet into any setback.

Can new regulations clarify the Voluntary Demolition Rule - Section 3.72241 and how it applies to multi-family residences on non-conforming lots or 4 family in a residence B?

Non-conforming structures may by altered or enlarged by 20 percent (currently 10%) by right as long as the new work meets current setback requirements. Section 3.7225 which allows reconstruction of non-conforming structures should include multi-family properties

Should multi-family buildings be allowed to be rebuilt to existing dimensions by right even if non-conforming?

Can we create additional smaller affordable units as opposed to larger more expensive units?

Can we allow 1.5 parking spaces based on lot size restriction?

Is there a way to clarify the ordinance that would expedite old lot opinions without law department action, for example through a site professional's testimony. Should there be old lot status for commercial properties?

Does the 10' set back rule for decks make sense? Can't decks protrude into ½ the setback reasonably? Why not allow non-conforming side yards to build egress decks.

Garage height restriction limits proper roof design; why are homes limited to 3-car garages? Shouldn't we be allowing multi-story garages?

**INCLUSIONARY ZONING & AFFORDABLE HOUSING**

The stated goal for all municipalities in Massachusetts is to have at least 10% of their housing stock as affordable. According to statistics from the Massachusetts Affordable Housing Alliance and the Metro west Collaborative Development, Waltham currently has approximately 7% of its housing stock as affordable. Many municipalities achieve their affordability goals by requiring developers of multi-family units to designate a proportion of them as affordable, or by contributing the value of the units to a fund that will then purchase other units and designates these as affordable.

A review of the Affordable Housing provisions of the Waltham Zoning code indicates that developers of 8 or more units requiring a special permit must meet the requirements of these provisions. They can do so by 1) deeding units to the city; 2) specifying units as affordable; or 3) paying money into the Municipal Affordable Housing Trust Fund that would use the funds to obtain/build affordable housing.

Discussions with the staff of the Waltham Housing Department showed that since the Affordable Housing Inclusionary Zoning provisions were adopted, there have been no direct transfers of units to the city (Section 9.141). The other provisions have been implemented, with developers either selling/leasing 10% of their units as affordable or paying funds to the Municipal Affordable Housing Trust Fund.

The committee recommends the following adjustments to this part of the Zoning Code:

Section 9.141 specifying Direct Transfer to the city, should be eliminated. Not one developer has chosen this option since it was made available, obviously finding it an unattractive option.

Modification of section 9.142 to increase the percentage of designated affordable units from 10% to 15%. If the stated affordability goal is 10%, and the city is currently at 7%, continued addition of 10% of new units will never enable the city to achieve its goal.

There is significant difficulty finding tenants who qualify for inclusionary zoning-created units (they must be under 80% of median area income) AND can afford the inclusionary zoning-mandated rents (set at what HUD deems affordable for an 80% of median family). This generally means that a family at 79% of median usually cannot afford the rent. The council could address this problem by resetting the rents to be at HUD's standard for 65% of median income, but continue to qualify families at up to 80% of median.

Compliance with Section 9 - Inclusionary Zoning, especially voluntary compliance for non-special permit projects, is not robust. Tweaking the ordinance to make the mandated affordable units exempt from the FAR & Units/Acre standards (i.e. a density bonus) should be considered to address this concern.

**CONSERVATION AND RECREATION**

Our current Zoning definition for Conservation and Recreation had been challenged in court and the developer won as the zoning was over restrictive. The court order included language that the zone must allow some form of structure to be enforceable. The Attorney General regulates the Constitutionality of Ordinances.

One proposal would be to create sub categories within the Conservation /Recreation zone similar to our various residential zones. The most restrictive would be used to protect wetland areas to prevent flooding, swamps, waterfront, and wetlands. The next level would allow for passive recreation (hiking trails, bicycles). Least restrictive would allow for active recreation such as soccer and baseball fields.

Our current zoning fails to define farming. The City should adopt "Urban Farming" using the definition in the Somerville zoning ordinance as a model.

The City fails to protect the natural resources we own now adjacent to our public schools and rail trails and the Charles River walkway Proposal would be to create an overlay zone surrounding these resources related to protecting areas to prevent flooding and to further encourage the enjoyment of these resources.

The city should adopt Cluster Zoning, this allows for the preservation open space while allowing responsible development. Currently our zoning has a provision for "Incentive Zoning" but has failed to adopt changes to encourage the use of this provision.

Any new zoning should have a provision that discourages the development of the crests of hills, and other viewpoints and open space. In the past Stearns Hill and Indian Ridge took away these scenic areas that should and could have been preserved for the public use. It can be accomplished by relating the ordinance changes to Storm Water management and Grade changing provisions adopted by the State.

MAP areas beside the Riverfront and Rail Trail needing zoning is Cedar Hill, Northeast School surrounding lands and Stigmatine Espousal Center

## Exhibit 1

---------- Forwarded message ----------

From: guohaiyun@hotmail.com <no-reply@weebly.com>

Date: Mon, Apr 6, 2015 at 10:06 PM

Submitted Information:

Name-Haiyun Guo

Check all that apply. Waltham Resident 1

Email: guohaiyun@hotmail.com

Comment

Dear Zoning Advisory Committee,

I have lived in Waltham for about 11 years, and love the dynamic and convenience of Waltham. Thank you for the opportunity for me to provide ideas and suggestions for the Waltham zoning change.

One of my houses in Waltham has a historical zoning issue. In the process trying to resolve the zoning issue for this house, I have encountered a lot of confusion related to the current zoning and processes. Although the zoning issue on this house is an individual issue, it gives me a chance to think about what could be changed to be better and more reasonable. Therefore based on my experience, I would like to suggest the following changes for the Waltham zoning.

Make the zoning be consistent with its current use: Although many streets in the south of Waltham are zoned as single family zone, many houses are used as multi-family houses historically. I have looked at the ratio of multi-family house in 10 parcels from Chestnut st to Ash st, about 60% of the residential houses in this area are actually used as multi-family houses based on the assessor's records. Although some houses in this area were approved for use variance, some did not go through the processes, the reality is there is a strong demand and supply for the multi-family houses in this area. Hegel said, "What is reasonable is real, that what is real is reasonable". With more affordable rents than those for commercial apartment buildings, multi-family rentals in south Waltham have provided affordable housing for many people for many years. I suggest making the south Waltham, at least from the downtown to Myrtle st, from Moody st to Newton st, a multi-family zone, to be consistent with the current actual use.

Provide a clear channel for residences to make use variance requests: Residents were allowed to change use variance of their house through the zoning board appeal process prior to 1986. After 1986, the authority to approve the residential use variance was taken away from the zoning board appeal, but it has not been assigned clearly to any city office or agent. I talked to building zoning officer and zoning attorneys in Waltham, and they said that there is not a channel to apply or grant use variance for an individual residential house in Waltham. I also heard people saying that city council should have the authority on this, but it is not confirmed by city councilors. It is very possible that some houses have some special circumstance that a use variance can allow the best use of the house, and does not adversely impact the health or safety of the community. But

currently there is not a channel for these requests to be even looked at. I suggest providing a channel available for residences to make residential house use variance requests, and clearly assigning approval authority for the residential use variance requests in the new zoning code.

Line up the records in building department with other departments: My house is shown as a 4-family house in the assessor's department for more than half a century, but is shown as a 2-family house in the building department's records. The house has been inspected by the fire department during the sales process and various times during the past half century, but no concerns had ever been raised. Should city government be consistent internally? If building department considers something illegal, but assessor keeps collecting taxes based on this illegal use, fire department gives out legal certificate, how can average residence with no expert knowledge easily tell if the current use is allowed or not. If the building department is the source of the use information, the assessors, the fire department or any other city offices should have the same information, so they can compare against what they see during their inspections, and report any inconsistency. This way, the city government will be more integrated together. I suggest that the city of Waltham to take initiatives to create a central database that all departments can use, so the information among different departments is consistent. When any department does any types of inspection, they should have the responsibility to report any violation or inconsistency with the information in the central database.

Communicate the zoning change effectively to impacted residences: My house is in a street that was assigned as a multi-family zone in the beginning, and changed to a single family zone after 1952. The previous owner may not know about the change at all, since he had separate electricity and gas meters installed, had two egresses built for each unit, but did not do anything to bring the house to a legal multi-family house status when it was highly possible to get it done. I was told by the neighbor that the precious owner was very proud of this house, I cannot believe that he had not done anything to correct it if he knew the house was not recognized as a legal multi-family house. When I asked the zoning officer how the various zoning changes were communicated to the residences, I was told that they were published on the city newspaper and put in the city hall. Although I am very interested in zoning, I have never taken a city newspaper from the city hall or any other places, not to say people who may not be very interested on this. Some residences may not be interested in the zoning or zoning changes, and therefore may not be actively looking for the information on this, but they still deserve to know the changes, especially the changes that may impact their life. I suggest mailing the final zoning changes to each Waltham residence so people who is not actively seeking for this information will also get it.

Thank you again for the opportunity to provide inputs to the zoning code change. I wish you have a great success in this processes and we together make the Waltham an awesome city.

Haiyun

## Exhibit 2:

June 15, 2015

Dear City Council and Council President:

My name is John Generoso and I own and operate Totten Pond Service Center (Shell service station) located at 511 Totten Pond Road. I commend the City Council for taking the lead on the issue of reforming Waltham's Zoning Code.

I'd like to speak to the Limited Commercial Zone located east of Route 128 at Totten Pond Road, Wyman Street and parts of Winter Street.

The focus area I speak to is currently divided into three different commercial zones. The southern area (5th Ave, 4th Ave and parts of 3rd Ave) is zoned Commercial, the area just north of that is now the new Limited Commercial Overlay District, and the more northern area (which my business and many others reside) is zoned Limited Commercial. Keep in mind the distance from the Commercial to Limited Commercial Zone is literally only a few hundred feet apart with the Overlay District in between. The problem with this zoning map is that it has created clear economic disadvantages to those of us in the Limited Commercial Zone. While they can offer retail and restaurants by right, those of us in the Limited Commercial Zone are prohibited to even apply for a permit.

As much as I am frustrated with fewer options than my neighbors, I do agree with the direction the City has taken, but would like to be part of it. The Limited Commercial Overlay Zone, while not available to me, does allow more retail and restaurants in the area and those services are clearly needed. It's my opinion the city should manage the development of this area as its own community within the city. What's needed are the support services, like retail, restaurants, and appropriate fast food to make the area not just a work destination but a place where commuters can dine, shop, and perform a host of other services. Keep in mind, young professionals today evaluate jobs based on many factors and the offerings in the area the job resides in is often as important as the job itself. Think Boston and Cambridge.

My suggestion would be to allow the overlay and limited commercial zones the ability to develop like it was a commercial zone, but to ensure smart, controlled development, require developers to apply for a special permit for any use not allowed under their existing zones. This maintains city control over any development not previously allowed but permits smart, appropriate development the focus areas need. Although we are one of the largest office commercial markets in the state, we do not operate in a vacuum. Other cities and towns along and inside Route 128 have recognized the need to develop smart, modern zoning plans in an effort to win more development as well. Let's strengthen our competitive advantage and make our city the one people want to live *and* work in.

Thank you, John Generoso, President-Totten Pond Service Center

## Exhibit 3

June 15th, 2015

Honorable Members of the Cambridge City Council

Cambridge City Hall

795 Massachusetts Avenue

Cambridge, MA 02139

Dear Mayor Maher, Vice Mayor Benzan, and Councilors Carlone, Cheung, Kelley, Mazen, McGovern, Simmons, and Toomey:

Attached is a two part zoning petition that will expand the applicability of Cambridge's accessory housing ordinance, as well as allow single and two-family home owners to make reasonable use of existing built space in their homes.

Part A of the petition changes Article 4.22 in the following ways:

- Increases the applicable accessory housing zones from only Res-A to all zoning districts
- Removes the criteria that a home be built prior to 1940
- Allows both single and two-family homes to participate
- Decreases the applicable home size to 1800 square feet (the median home size in Cambridge)
- Alters the dimensional requirements of accessory units to a maximum of 900 square feet or 35% of gross floor area, whichever is the lesser
- Eliminates the Article 6 parking requirements for accessory apartments
- Allows for existing two-family homes to be converted to a single family with accessory apartment without need for a special permit
- Requires owners to continue to occupy at least one dwelling unit as their primary residence

Part B redefines "basement" and "cellar" space in Article 2 in the following ways:

- Basement space in a single or two-family home is no longer calculated as Gross Floor Area regardless of height
- Basement space in other residential structures and commercial structures may be exempted by special permit provided that the applicant can meet the requisite guidelines

At a time when we are contemplating master planning, housing availability, and affordability issues, while also trying to preserve the quality and character of our great city, it makes sense to do so with a sensible set of tools that first look to make full use of the built space that we already have. This petition achieves that goal. Thank you for your consideration. We look forward to further discussions on this important matter.

Sincerely,

Patrick W. Barrett III

## Exhibit 4

### Part A: Expanded Accessory Housing

### Introduction

Accessory apartments (also known as 'accessory dwelling units', 'guest apartments', 'in-law apartments', 'family apartments', or 'secondary units') provide housing units that can be integrated into existing neighborhoods to provide low priced housing alternatives that have little or no negative impact on the character of a neighborhood.

The regulatory approach used by most municipalities for accessory apartments is a zoning bylaw that permits an accessory unit, thereby allowing certain improvements to be made to the existing dwelling.

Provisions can address certain restrictions based on whether the dwelling existed as of a certain date, the maximum allowed building and site modifications, the options for choosing inhabitants, whether the main unit needs to be owner occupied, and minimum home and lot sizes. However, the greater the number of restrictions involved, the fewer the number of homeowners able to add accessory units.

Cambridge first created an accessory housing ordinance in 1996, but, at the same time, also chose to limit the scoop of the ordinance to only a handful of the largest homes in the City. As a result, few new accessory dwelling units have been created over the past twenty years.

The following are suggested updates to the existing accessory housing ordinance contained within Article 4 of the Cambridge Zoning Ordinance. It is our hope that these updates will help to fulfill the promise of new accessory housing first pioneered by Cambridge many years ago.

For more details about the possible impact of our proposed changes to accessory housing, see our Cambridge Accessory Housing Explorer tool, available at

https://kent37.shinyapps.io/AccessoryHousing/AccessoryHousingShiny.Rmd.

### Statement of Facts

WHEREAS housing in Cambridge is in limited supply and extremely expensive, and, therefore, the pursuit of new housing often pushes development to expand in undesirable ways that encroach on existing neighborhoods; and

WHEREAS accessory apartments instead provide housing units that are integrated into existing neighborhoods and transportation networks and that provide inexpensive housing alternatives that have little or no negative impact on the character of neighborhoods; and

WHEREAS the Commonwealth of Massachusetts has recently published clear guidelines (available at http://www.mass.gov/envir/smart_growth_toolkit/bylaws/ADU-Bylaw.pdf) encouraging the expansion of accessory housing as a possible solution to our housing issues; and

WHEREAS the Cambridge Zoning Ordinance has an existing accessory apartment provision that is rarely used due to its overly restrictive conditions; and

WHEREAS there are currently 6620 one and two-family homes in the City, but only 143 homes classified as having accessory apartments (and 89 of those wouldn't even qualify under the current rules); and

WHEREAS these restrictions on accessory housing also encourage the creation of uninspected, unsafe, and illegal housing units; and

WHEREAS relaxing the existing criteria could provide a clear path to legality for these illegal units; and

WHEREAS the average household size in Cambridge has fallen steadily from 3.27 persons per household in 1950 to only 2.0 persons in 2010, and many homeowners now find themselves with unused space in their homes; and

WHEREAS the ability to turn such unused spaces into accessory housing units could provide families, the elderly, the disabled, and other deserving Cambridge residents and property owners with the flexibility to add income-generating apartments, assisted living units, live-in spaces for childcare providers, or apartments for returning college graduates or older parents; and

WHEREAS expanding the applicability of the accessory apartment provision could create over 1000 new housing units at no additional cost to the City and without expanding the footprints of existing homes, thus fostering neighborhood preservation.

NOW THEREFORE we the Undersigned respectfully petition the honorable City Council of Cambridge to amend the Cambridge Zoning Ordinance by amending Article 2.000 ("Definitions") and Article 4.000, section 4.22 ("Accessory Apartments") to read as follows:

**Suggested New Language for Article 2 (Definitions)**

***Accessory Apartment.*** An accessory use with one or more rooms with separate kitchen and bathroom facilities, constituting a dwelling unit, located within and under the same ownership as a single or two-family detached dwelling and designed for the occupancy of a single family.

**Suggested New Language for Article 4 (Use Regulations)**

**4.22** ***Accessory Apartments.*** The purpose of this Subsection 4.22 is to allow for the creation of accessory apartments in all districts. Many large single and two-family homes are underutilized. Alteration of these homes to provide additional dwelling units would be prohibited in most cases due to the existing floor area ratio and/or lot area per dwelling unit requirements of Subsection 5.31. Given contemporary lifestyles, housing needs, and energy and maintenance costs, it is beneficial to the City to allow greater flexibility in the use of such dwellings without substantially altering the environmental quality of their surrounding neighborhoods. This Subsection 4.22 gives the Board of Zoning appeal authority to relax such requirements in certain instances as enumerated below.

**4.22.1** In all districts the Board of Zoning Appeal may grant a special permit for alteration of a single family or two-family, detached dwelling to provide one accessory apartment if the following conditions are met:

1. The dwelling has not been substantially enlarged since built. The addition in the aggregate of two hundred and fifty (250) square feet or more of gross floor area shall be considered a substantial enlargement.

2. Prior to alteration the dwelling contains at least one thousand eight hundred (1800) square feet of gross floor area.

3. The lot on which such accessory apartment is located contains at least five thousand (5,000) square feet of lot area.

4. Such accessory apartment shall not occupy more than 900 square feet or thirty-five (35) percent of the gross floor area of the principal dwelling, whichever is less, and shall not be located in a garage.

5. The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence. Prior to issuance of a building permit, the owner(s) must submit a notarized letter stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence.

6. Any existing two-family home may be converted to a single family home with accessory unit by right, without need for a Special Permit.

In granting a special permit the Board may impose such conditions, including requirements for off street parking and limitations on other accessory uses of the premises, as it may deem appropriate to avoid undue detriment to the neighborhood or to nearby persons or property. The Board of Zoning Appeal shall evaluate each special permit application which involves exterior changes with the appearance of and character of the neighborhood and may require that there be no change or minimal change to any face of a building oriented toward a public way or visible from a public way.

**4.22.2** The requirement for an off street parking space specified in Article 6.000 shall not apply for the addition of one accessory apartment in a single family or two-family, detached dwelling in all districts.

**Line by Line Comparison of New and Existing Language with Explanations for Each Change**

| EXISTING LANGUAGE | NEW LANGUAGE | |
|---|---|---|
| ***Article 2.000: Definitions***<br><br>***Accessory Apartment.*** An accessory use with one or more rooms with separate kitchen and bathroom facilities, constituting a dwelling unit, located within and under the same ownership as **a single family** detached dwelling and designed for the occupancy of a single family. | ***Article 2.000: Definitions***<br><br>***Accessory Apartment.*** An accessory use with one or more rooms with separate kitchen and bathroom facilities, constituting a dwelling unit, located within and under the same ownership as **a single or two-family** detached dwelling and designed for the occupancy of a single family. | • Expar family h homes ar design, a the existi |
| **4.22** ***Accessory Apartments.*** The purpose of this Subsection 4.22 is to allow for the creation of accessory apartments **in Residence A districts**. **These districts contain a number of large single family homes that** are underutilized. Alteration of these homes to provide additional dwelling units would be prohibited in most cases due to the existing floor area ratio and/or lot area per dwelling unit requirements of Subsection 5.31. Given contemporary life styles, housing needs and energy and maintenance costs, it is beneficial to the City to allow greater flexibility in the use of such dwellings without substantially altering the environmental quality of **such residential districts**. This Subsection 4.22 gives the Board of Zoning appeal authority to relax such requirements in certain instances as enumerated below. | **4.22** ***Accessory Apartments.*** The purpose of this Subsection 4.22 is to allow for the creation of accessory apartments **in all districts**. **Many large single and two-family homes** are underutilized. Alteration of these homes to provide additional dwelling units would be prohibited in most cases due to the existing floor area ratio and/or lot area per dwelling unit requirements of Subsection 5.31. Given contemporary lifestyles, housing needs, and energy and maintenance costs, it is beneficial to the City to allow greater flexibility in the use of such dwellings without substantially altering the environmental quality of **their surrounding neighborhoods**. This Subsection 4.22 gives the Board of Zoning appeal authority to relax such requirements in certain instances as enumerated below. | • Expar all dis unneces apartme neighbor<br><br>• Expar family ho |
| **4.22.1 In a Residence A District** the Board of Zoning Appeal may grant a special permit for alteration of a **single family**, detached dwelling **legally in existence as of the effective date of this Subsection 4.22, (6/29/81**) to provide one accessory apartment if the following conditions are met: | **4.22.1 In all districts** the Board of Zoning Appeal may grant a special permit for alteration of a **single family or two-family**, detached dwelling to provide one accessory apartment if the following conditions are met: | • Expar all distric<br><br>• Expar family ho<br><br>• Expar regardles newer h have ac under th |

| | | |
|---|---|---|
| 1. **The dwelling was constructed prior to June 1, 1940, and has not been substantially enlarged since that date.** The addition in the aggregate of two hundred and fifty (250) square feet or more of gross floor area shall be considered a substantial enlargement. | 1. **The dwelling has not been substantially enlarged since built.** The addition in the aggregate of two hundred and fifty (250) square feet or more of gross floor area shall be considered a substantial enlargement. | • Expar regardles |
| 2. Prior to alteration the dwelling contains at least **three thousand five hundred (3,500)** square feet of gross floor area. | 2. Prior to alteration the dwelling contains at least **one thousand eight hundred (1800)** square feet of gross floor area. | • Redu better re Cambridg square fe |
| 3. The lot on which such accessory apartment is located contains **at least three thousand (3,000) square feet of lot area per dwelling unit.** | 3. The lot on which such accessory apartment is located contains **at least five thousand (5,000) square feet of lot area.** | • Chan dwelling the requi<br>• Redu square fe with typ most res C). |
| 4. Such accessory apartment **shall not occupy more than thirty-five (35) percent of the gross floor area of the principal dwelling in existence prior to the effective date of this Subsection 4.22** and shall not be located in a garage. | 4. Such accessory apartment **shall not occupy more than 900 square feet or thirty-five (35) percent of the gross floor area of the principal dwelling, whichever is less,** and shall not be located in a garage. | • Sets apartmer square fo where th square Common recomme to betwe<br>• Sets units, be the State<br>• Expar regardles |
| 5. Any alteration which would increase the floor area ratio beyond that permitted in the district or which would further increase an existing violation of the applicable floor area ratio shall not be permitted. | *<Bullet point deleted>* | • Elimi on FAR, a two-fami The cur accessor accessor within th |

| | | |
|---|---|---|
| *<New requirement>* | 5. The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence. Prior to issuance of a building permit, the owner(s) must submit a notarized letter stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence. | • This accessor by onsite and unav |
| *<New requirement>* | 6. Any existing two-family home may be converted to a single family home with accessory unit by right, without need for a Special Permit. | • This was prev process Special P |
| In granting a special permit the Board may impose such conditions, including requirements for off street parking and limitations on other accessory uses of the premises, as it may deem appropriate to avoid detriment to the neighborhood or to nearby persons or property. The Board of Zoning Appeal shall evaluate each special permit application which involves exterior changes with the appearance of and character of the neighborhood and may require that there be no change or minimal change to any face of a building oriented toward a public way or visible from a public way. | In granting a special permit the Board may impose such conditions, including requirements for off street parking and limitations on other accessory uses of the premises, as it may deem appropriate to avoid detriment to the neighborhood or to nearby persons or property. The Board of Zoning Appeal shall evaluate each special permit application which involves exterior changes with the appearance of and character of the neighborhood and may require that there be no change or minimal change to any face of a building oriented toward a public way or visible from a public way. | • *<No c* |
| **4.22.2** The requirement for an off street parking space specified in Article 6.000 **shall apply** for the addition of one accessory apartment in a **single family**, detached dwelling in a Residence A district. | **4.22.2** The requirement for an off street parking space specified in Article 6.000 **shall not apply** for the addition of one accessory apartment in a **single family or two-family**, detached dwelling in all districts. | • Elimi a parki apartme the Boar condition such par<br>• Expa family ho |

## Part B: Added Living Space

### Introduction

The city of Cambridge has 6,620 single and two family homes and of those homes, 50.5% are nonconforming as to Floor Area Ratio (FAR). As a result, homeowners who wish to fully utilize existing interior spaces are often faced with expensive litigation in the form of a zoning variance in order to make safe, legal use of their homes.

There currently exist thousands of square feet of usable space in Cambridge that is essentially frozen due to tight regulatory constraints. In a market where every square foot matters, it makes sense to look first to those interior spaces that already exist.

By eliminating the current provision in the Cambridge Zoning Ordinance that includes finished basement spaces with 7' of headroom or more in the calculations for gross floor area (GFA) and floor area ratio (FAR), Part B of our petition allows homeowners to make use of existing below grade living space in a legal and meaningful way.

Existing below grade spaces with less than 7' of headroom would be unaffected by the change, as would existing mechanical spaces with more than 7' of headroom. Even so, this simple adjustment would allow for the creation of "livable" and "habitable" spaces that are properly inspected, safe, comfortable, taxable, designed with climate issues in mind, and added to the total livable square footage of one's home, all without having to create any new structures.

The proposal, if adopted, would allow new and existing single and two family homes to make use of below grade space without penalty as to the allowable FAR, and would allow commercial and other residential parcels to do so by special permit. The criterion for granting such a special permit should be weighed against the purpose of our ordinance, with preferences given to affordable housing, to artistic and cultural uses, and to projects that are clearly responsive to the needs of the surrounding community.

In short, this proposal simply allows homeowners to make safe use of existing interior spaces without having to hire expensive attorneys or wait months or possibly years for approval. More importantly, it also creates a great deal of flexibility for homeowners without altering the character of existing neighborhoods.

### Statement of Facts

WHEREAS residential living space in Cambridge is a precious, expensive, and increasingly rare resource; and

WHEREAS the use of basement space as residential living space is a simple and highly efficient way to increase the livability of residential units without also increasing exterior dimensional nonconformity; and

WHEREAS the current Cambridge Zoning Ordinance counts as gross floor area ("GFA") any finished basement space with seven feet (7') or more of headroom, and, further, includes this finished basement space in calculations of Floor Area Ratio ("FAR"); and

WHEREAS more than half of all single- and two-family homes in Cambridge are non-conforming as to FAR, thus limiting homeowners' ability to legally add additional living space or secure conventional financing options; and

WHEREAS the current definition of GFA forces families and homeowners who wish to legally utilize already existing basement spaces to seek costly and time-consuming zoning variances, even when such existing living spaces meet all dimensional and safety requirements of the State building code.

NOW THEREFORE we the Undersigned respectfully petition the honorable City Council of Cambridge to amend the Cambridge Zoning Ordinance by amending Article 2.000 ("Definitions," subheading "Floor Area Gross") in the following two ways:

**Suggested Changes to Article 2 (Definitions)**

1) Under the paragraph "Gross Floor Area **shall** include:"

Strike the following line item:

"(f) basement and cellar areas not excluded in (1), (3), and (9) below;"

2) Under the paragraph "Gross Floor Area **shall not** include:"

Add the following line items:

“(15) Any basement or cellar living space in any single-family or two-family home.”

“(16) Any basement or cellar living space in any other type of structure with the issuance of a special permit. In granting such a special permit, the permit granting authority may approve the exemption of any portion of Gross Floor Area (GFA) located in a basement or cellar from the calculation of GFA, provided the permit granting authority finds that the uses occupying such exempted GFA support the character of the neighborhood or district in which the applicable lot is located.”

## Exhibit 5

From: Michael Levin <michaellevin108@gmail.com>

Subject: Zoning Ordinances - Public Input

Date: April 28, 2015 9:53:41 PM EDT

To: zoningreview@city.waltham.ma.us

Reply-To: mlevin@alum.mit.edu

What I would like to see is far beyond the powers of this committee, but here goes.

1. I would like to see Waltham develop a real vision in the manner of Somerville, with public input, and a genuine independent planning commission empowered to redefine the code according to modern concepts rather than setbacks. The only vision statement I know of is the League of Women Voters.

2. I would like to see zoning that reserves most of downtown Main St. and Moody St. free from chain and franchise stores, and open to flexible multi-purpose local businesses that make use of the sidewalks and improve interest and walkability.

3. I would like to see a moratorium on further parking spaces in the entire downtown because the number of existing places is already twice the capacity to move automobile traffic in and out. Land is too valuable to add more parking and the present situation is that half the spaces are unused during the day and the other half unused during the night. There needs to be laws that encourage sharing rather than privatizing of space. Ten years from now, the demands of response to climate change will make the moving about in private isolated shells of steel obsolete.

4. I would like to see zoning that encourages public transportation. (This needs to coupled with demands for improved public transit of many different kinds including more trains and buses and organized private vans and taxis to bring residents from north Waltham downtown day and night. This would make for a lively and prosperous twenty four hour city.)

5. I would like to see all candidates for mayor and city council endorse these ideas.

--

Michael Levin

Phone: 978-835-2355

## Exhibit 6

# Chronological Notes from the Public Meeting on April 29, 2015, Sponsored and run by the Waltham Zoning Advisory Committee (ZAC)

Introduction by Laura Cannon, ZAC Committee Member

Break into small groups with changing topics every 10 minutes. Report to whole group after each round.

Zoning must protect interests of existing residents. The problem is that intrusive uses are now allowed.

Could we permit residential uses in commercial areas? Like the Natick Mall?

Introduction of mixed uses is only desirable in the downtown area.

Want a moratorium on parking in the downtown area. Any residential uses there should have reduced parking requirements.

Need more extensive notification of abutters for changes, even for improvements permitted by right.

Need to write a good definition of a bakery so it is not excluded along with fast food establishments.

Public access to housing and open space is a problem. Solutions are like improvements slated for the new housing behind Marcillini's Restaurant.

Safety in open space is an important issue, especially along the river. Need to have an emergency number to call in case of a safety event.

Need to clean up Prospect Park.

Affordable housing doesn't have the same need as other housing for parking. Parking requirements for public housing should be reduced.

Solar panels can by unsightly. . .need some sort of aesthetic standards for them.

The special permit process needs substantial improvement, including bringing the Planning Department more into it.

We really would like to have state-of-the-art planning in Waltham.

Support the desirability of more mixed uses in the City.

We need buffering of residential uses from commercial uses.

Want more traffic studies for big commercial uses like Home Depot (which did not require one).

We should work to restore some lost wetlands.

Want more permanently protected open space.

There is a need for more accessory apartments.

Can we possibly have a pedestrian zone in the downtown, to eliminate the excessive auto traffic?

We also need good public transportation to support a pedestrian zone.

How about also spaces for ZIP Cars and bicycles and use of valet parking?

Most new multi-family development in the city incorporates bike storage facilities.

Need beautification efforts for the downtown.

Need a redevelopment authority to carry out the big projects, and the Planning Director should be assigned a greater scope of responsibility and authority in preparing and implementing plans.

The map of planning districts evolved from the City's industrial, transportation and agricultural heritage. This heritage is still reflected in how the districts are defined. There is a loose relationship to MBTA services. This could be strengthened by use of transit oriented districts.

It is difficult to get small zoning map changes and very difficult to get large zoning map changes. The River Overlay District is considered a major change and took a big effort to get it passed.

Perhaps some sort of ombudsman for guiding applicants through the special permit process would help.

We need a more tiered system for special permits where there is a better allocation of permits to appropriate boards, committees, commissions and departments.

There is a question of the size of the downtown. What does it include? It helps to include a greater variety of activities in the downtown.

There needs to be a better understanding of the zoning map and its role. There is usually some confusion when map changes are proposed.

Is spot zoning legal?

Downtown sidewalks are not wide enough.

There is a lack of enforcement on sign controls.

We need better overall signage.

There is a need for more retail in the downtown. Where can you buy a pair of socks?

Planning should adopt the "Complete Streets" concept.

There is a need for a redevelopment authority and possible business improvement district (BID).

We should expand residential uses on the north side of the river to match the south side.

We need improved public transportation.

We need incentives for improvements to shabby or run-down properties.

We need a full planning department.

There is no checklist or written defined process for getting permits.

END of 1 and ¾ hour meeting. Submit written comments to the ZAC if desired.

Brian Barber

Community Preservation Associates

April 30, 2015

## Exhibit 7

Date: April 28, 2015 6:27:44 AM EDT

From: psmoser@gmail.com <no-reply@weebly.com>

Date: Mon, Apr 27, 2015 at 3:58 PM

Subject: New Form Entry: Contact Form

To: coachaladd@gmail.com

You've just received a new submission to your Contact Form.

Submitted Information:

Name: Philip Moser

Check all that apply: Waltham Resident

Check all that apply: Work in Waltham

Email: psmoser@gmail.com

2 comments:

1. For the zone(s) that include Lakeview neighborhood, require each residence to have at least as many off-street parking spaces as they have bedrooms, and no less than 2 off-street parking spaces. This is to address problems like Princeton Ave, which is a narrow, congested 2-way street where residents park on both sides. They generally park halfway on the sidewalk and halfway on the street but this still does not leave enough space for 2 cars to safely pass each other. With sidewalk blocked, the only option for pedestrians is to walk in the street at significant peril.

2. On lots that border Hardy Pond, prevent construction of any new structure or addition closer to the pond than the existing structure, and no closer than 60 ft. from the pond regardless of the location of the existing structure. This is to prevent the ongoing overdevelopment around the home as existing small houses close to the street are being torn down and replaced with larger houses closer to the pond. This would also eventually correct conditions where existing houses are within 20 ft. of the water's edge.

## Exhibit 8

From: "Bob LeBlanc" <bobleblanc@comcast.net>

Subject: Public Meeting 4-29-15 notes

Date: May 2, 2015 2:48:26 PM EDT

To: <brian.barber@comcast.net>

Topic: Commercial / Business

- Lengthy Special Permit Process
- Non-Conforming Small Commercial Lots have zero protection unlike non-conforming residential lots
- City wide analysis on traffic impacts with large commercial & residential projects.
- Waltham is considered one of the most difficult place for commercial permitting.
- Communication tower permitting in Waltham is the worst in the state

o Somerville has taken advantage of communication tower installations by requiring companies to install the towers on public buildings where feasible generation a continuous revenue stream for the city

Topic: Open Space

- Lack of green space in the front yard requirements in larger residential and commercial properties
- Open space designations are not permanent so deed restrictions on existing open space lots should be examined
- Protection of wetlands is vital due to increase flooding conditions. Re-establishment of filled in wetlands at the Fernald Center should be a priority

Topic: Residential Housing

- Smart-growth development near public transportation
- Accessory apartments for multi-family parcels
- How to redevelop run down property around are downtown shopping districts
- Form a Design Review board that has the power to grant variances or less stringent zoning requirements to allow the redevelopment of run down properties on small lots near downtown - Revitalization district
- Consider micro units in the downtown

Topic: Downtown

- Limit parking requirements for downtown businesses
- Allow more uses in the downtown (coffee shops, pastry shops, yogurt & ice cream)
- Allow 5-6 stories on Moody Street without going to special permit

- Somerville has changed zoning to allow over 10 story buildings in the downtown
- What has the city of Somerville done to increase the success of Union Square

· Test out Valet Parking on Moody Street

· Build a multi level garage on Crescent Street

· Revitalize Prospect Street

· Improve Public Transit to and from Moody Street

· Test out One Way driving on Moody Street and allow businesses to use the sidewalks as areas for dining

Topic: Planning Process

· Create a Planning & Economic Development Department that oversees all departments that handle permitting in the city

· Create a business liaison for new businesses entering the city

· Permitting process

- Define the permitting process
- Comprehensive checklists
- One stop shop for permitting

· DPW and Engineering should be combined or any permitting & I and I issues should go directly to Engineering.

· ANR (approval not required plans) should get approved through a city planning or engineering department. Why wait a month to go the Board of Survey & Planning when it only needs to be reviewed by the engineering department

· City should plan for how much new housing it envisions in the next decade

· Special Permitting should have multi tiers where certain projects can be approved in departments and others need to go to the full council for approval

· Special Permit should be able to be amended without going through the entire process again

## Exhibit 9

Meeting with Bill Forte

Gather all of the non conforming uses together in the book,

Definitions more of them

Need more landscaper definitions. Regarding the size of the equipment especially

Dormers are undefined in our ordinance

Nothing should be "in the opinion of the inspector"

Always refer to the current building code not a specific year.

Old lot opinions is very problematic

There is no grandfathering on lots under 10'000 sq ft

R2 inspections for multi family [4 or more]

Change the sloping dimensions to be at 6 ft off the foundation

Address parking separately for each property type

Design review for sideways condos

stop taking in paper

signage

Newton has urban design commission to opine about sign design

## Exhibit 10

The Sign Code (Section 6.1-6.9) is outdated, contradictory and confusing to follow. Suggested improvements:

1. **Fees-** remove fee amounts in zoning. - fees are in Appendix or determined independently- 6.31, 6.32,6.33,6.34,6.35,6.37,6.39)
2. **Insert Chart with Zoning Districts and Requirements** (rather than individual sections) to describe number of signs, maximum area, maximum letter height, permit requirements, etc. (See Town of Wellesley Sign Code). **6.612 a-c, 6.622a-c, 6.642a-c,6.662a-d**
3. **Remove areas of interpretation by "Inspector of Buildings"** (per William Forte- "the fewer areas of interpretation – everyone knows the rules"):

6.32 "sufficient information to the Inspector"
6.32(a) "satisfied as to the correctness of the application"
6.32 (b) "judgement of the Inspector of Buildings"

4. 6.39: Premises Identification sign: unclear (street number?)
5. 6.392: Advertising copy: unclear (provide pictures, examples)
6. 6.443: Maintenance- needs more specific definition of "kept in good general repair and properly maintained". Enforce.
7. 6.51: Primary Signs -unclear – Insert chart- **reference awnings as primary sign.**
8. Pictures: examples of; wall signs, directional signs, marquee, roof sign, portable sign, etc.
9. 6.672**: Awnings**: should be **referenced at beginning of section as primary sign. Include picture to demonstrate area** (6.6721 (?), 6.6722: why not allow copy on flap of awning?
10. 6.6724**: color restriction** (re-write – **not clear that awning can only be one color, but logo can be fifty+ colors- and stripes not included in more than one color definition**?
11. 6.678: Signs on nonconforming buildings-revise, update?
12. 6.679: Other sign regulations- controls and prohibitions concerning the installation and maintenance of miscellaneous signs: Insert Chart by zoning district
13. 6.7 Illumination of sign: chart by zoning district. Business C District missing?
14. 6.746 – **Extension Special Permit- permit should be granted by ZBA not by Special Permit.**
15. 6.8: Special Provisions to window signs: **pictures of window signs**
16. 6.821-22: IMPORTANT – window coverage, area allocation ..should be referenced earlier/picture
17. 6.832: Lighting: enforce
18. 6.834: Flashing: enforce
19. 6.842: Signed to be removed: enforce
20. 6.9: Amortization schedule- Fees- remove fees and *6.9 NOTE*: remove – interpretation
21. 6.91: Obsolete signs: enforce- open to interpretation