

CITY OF NEWTON

IN BOARD OF ALDERMEN

ORDINANCE NO. Z-45

March 16, 2009

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2007, as amended, be and are hereby further amended with respect to Chapter 30 **Zoning** as follows:

1. Delete in its entirety the provisions of paragraph (4) of section 30-5(b) and insert in its place the following language:

(4) The placement of a retaining wall of four feet or more, as measured from the foot of the wall to its highest point, within a setback;

2. Add to the provisions of paragraph (1) of section 30-5(c) the following language:

Projects increasing impervious surface area by more than the lesser of a) four (4.0) percent of lot size or b) four hundred (400) square feet, or that involve altering the landscape in such a way that may result in alteration of the runoff of surface water to abutting properties or erosion of soil, shall be reviewed by the commissioner of inspectional services and the city engineer to ensure compliance with this section. The commissioner of inspectional services and the city engineer may reject a project if they believe it will cause runoff of surface water to abutting properties or the erosion of soil;

3. Insert in the definition of "*Structure*" contained in section 30-1 Definitions, after the word "platform," and before the phrase "tennis court or swimming pool", the following language:

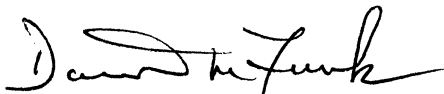
retaining wall or systems of walls whose above-grade height exceeds four (4.0) feet,

4. Add the following new definitions to section 30-1 Definitions:

Berm: A mound of earth used for decorative, screening, or buffering purposes.

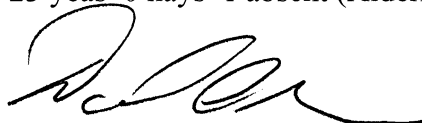
Retaining wall: A wall or terraced combination of walls to hold a mass of earth material at a higher position. When a combination of walls is placed within a setback, height is to be measured from the foot of the lowest wall to the top of the highest wall. For the purposes of this ordinance, a berm with a slope of 1:1 or greater is to be considered a retaining wall.

Approved as to legal form and character:

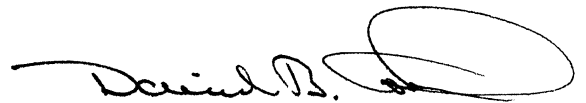


DANIEL M. FUNK
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted
23 yeas 0 nays 1 absent (Alderman Lennon)



SGD) DAVID A. OLSON
City Clerk



(SGD) DAVID B. COHEN
Mayor

Date:

RECEIVED

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MAYOR'S OFFICE