



# Zoning & Planning Committee Report

## City of Newton In City Council

**Monday, November 27, 2023**

Present: Councilors Crossley (Chair), Albright, Danberg, Krintzman, Wright, Leary, Baker, and Ryan

City Staff: Barney Heath, Director of Planning; Andrew Lee, Senior Assistant City Solicitor; and Jaclyn Norton, Committee Clerk

Planning & Development Board: Kelley Brown (Chair), Peter Doeringer, Kevin McCormick, and Amy Dain

For more information regarding this meeting, a video recording can be found at the following link: [Zoning & Planning Committee - November 27, 2023 - YouTube](#)

**#341-23**      **Appointment of James Miller to the Auburndale Historic District Commission**  
HER HONOR THE MAYOR appointing James Miller, 85C Seminary Ave, Auburndale as an alternate member of the Auburndale Historic District Commission for a term of office set to expire on June 6, 2024. (60 Days: 01/05/23)

**Action:**      **Zoning & Planning Approved 7-0-1 (Councilor Wright Abstaining)**

**Note:**      James Miller joined the Committee and described how he is a long-time resident of Newton and Auburndale, and served as Newton's the first Planning Director, beginning in 1964. He noted his service in dedication to the city's success and that the District Historic Commission has done a very good job of preserving historically significant properties. Mr. Miller has also served as a state appointee to the Newton Housing Authority, a member of the Economic Development Commission, and was the City of Newton representative for the Metropolitan Area Planning Council (MAPC). Multiple Councilors noted support for this appointment, and expressed appreciation for Mr. Miller's expertise and continued interest in serving. One Councilor asked the appointee's position on a recent issue regarding Lasell Village obtaining a certificate of appropriateness from the Auburndale Historic District Commission. Barney Heath stated that the Auburndale Historic District Commission had already ruled on this item, having to do with the AHD approving an expansion of the Lasell campus, and that their decision was upheld by MAPC. Committee members voted 7-0-1 (Councilor Wright Abstaining) on a motion to approve from Councilor Krintzman.

**Chair's note:** *The committee will set a public hearing for the rezoning of this property, which was the former site of the water tower, and surplussed by Council in 2021.*

**#376-23      Petition to rezone lot on Dedham Street**

KATHERINE ADAMS petitioning to amend the City of Newton's Zoning Map by changing the current zoning of the property known and numbered 0 Dedham St Off, Newton, MA, and shown on the City of Newton Assessor's database as Section 83, Block 36, Lot 3A, currently zoned PUBLIC USE to SINGLE RESIDENCE 1.

**Action:**      **Zoning & Planning Held 8-0; Public Hearing Set for 12/11/2023**

**Note:**            The Chair noted that the lot in this petition had previously gone through the reuse process and that, now that the abandoned water tower has been removed, our job is to implement that Council decision, to make this landlocked property available to the adjacent property owner for a fair price, with restrictions on its use. Katherine Adams and Alan Schlesinger from Schlesinger & Buchbinder joined the Committee and described that this lot has no frontage and per the reuse Council order the lot must remain open space. Attorney Adams also shared the attached presentation that detailed the contingency that this sale is predicated on the lot being rezoned to SR1, zoning consistent with the surrounding area. A Councilor asked for clarification regarding the open space requirement. Andrew Lee noted that the open space restriction for the lot would be in effect for 99 years. Attorney Schlesinger also noted in response to a Councilor question that the lot in the petition and the abutting lot owned by the same owner has an area of 42,000 sf. Multiple Councilors noted having no issues with the proposal.

Committee members voted 8-0 on a motion to hold the item and set a public hearing for Monday, December 11 from Councilor Ryan.

The meeting adjourned at 7:24 pm.

**Respectfully Submitted,**

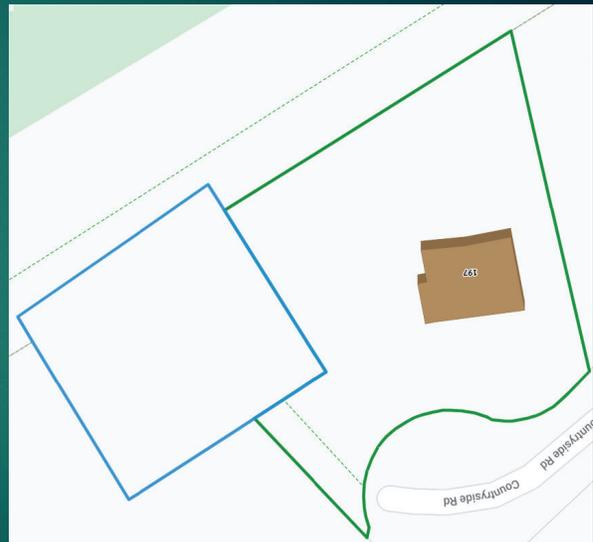
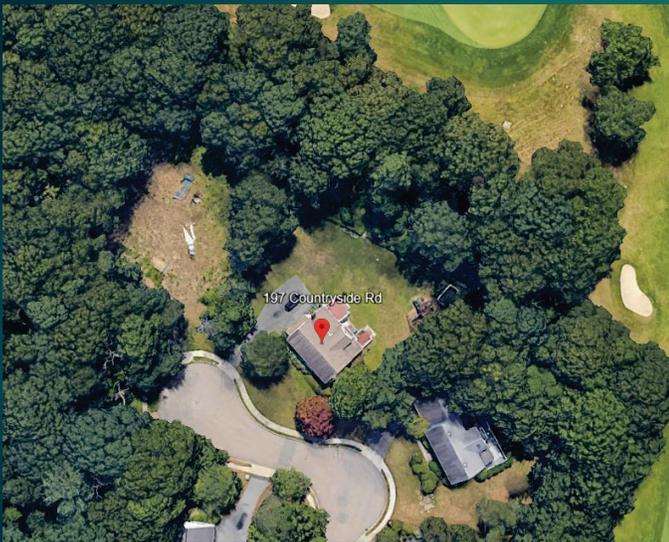
**Deborah J. Crossley, Chair**

197 Countryside Road

Zoning and Planning  
November 27, 2023



COUNTRYSIDE ROAD  
AERIAL VIEW



REUSE ORDER - 2021

#393-20

CITY OF NEWTON

IN CITY COUNCIL

July 12, 2021

That, pursuant to Section 2-7 of the Revised Ordinances of 2012, as amended, after a public hearing and upon recommendation of the Real Property Reuse Committee through its Chair Victoria Danberg, it is hereby

ORDERED:

That Her Honor the Mayor be and is hereby authorized to sell the land commonly known as the Baldpate Water Tower site containing approximately 16,900 square feet of land, identified as Section 83, Block 36, Lot 3A, in Ward 8, in a Public Use zoned district, and,

The property shall be sold, subject to the minimum financial terms and conditions as voted by the Honorable City Council as set forth as follows:

TERMS OF SALE

1. That the minimum sale price shall be set at Fair Market Value; and
2. That the property be sold for the purposes of maintaining the land as open space.

FURTHER BE IT RESOLVED:

1. That a permanent conservation restriction held by the City shall be placed on the property.

Approved as to legal form and character:

*Alissa O. Giuliani*  
ALISSA O. GIULIANI  
 City Solicitor

PURCHASE AND SALE AGREEMENT - 2023

**27. CONTINGENCY**

As of the date of this Agreement, the Premises is zoned Public Use. BUYER'S obligation to purchase the Premises as set forth herein shall be subject to the City of Newton Zoning Ordinance, Sheets of Zoning Plans, and Official Zoning Map, being amended to change the Property zone to Single Residence 1. If BUYER petitions the City to change the zone of the Property, the City, as owner, will act as a co-petitioner. All costs related to the petition, required survey work, and plan and legal description preparation, shall be borne by the BUYER. If the Premises is not zoned to Single Residence 1 on or before November 1, 2024, this Agreement shall automatically terminate and become of no force or effect.

Nothing in this Agreement shall be construed as an agreement by, guarantee, or an obligation of the City to grant or effectuate the rezoning of the Property from Public Use to Single Residence 1.

NEW LOT/SQUARE FOOTAGE

- 197 Countryside Road – 25,878 sf
- Off Dedham Street – 16,900 sf
- Combined: 42,778 sf
- Combining the two lots will enable the petitioner to create a large single lot on 197 Countryside Road.
- The off Dedham Street site will remain open space.

