

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

THURSDAY, JANUARY 13, 2005

Present: Ald. Mansfield (Chairman), Ald. Albright, Salvucci, Vance, Fischman, and Harney
Absent: Ald. Samuelson and Merrill

City staff: Ouida Young, Associate City Solicitor, Gerry Brown, Acting Commissioner of Inspectional Services, and Linda Finucane, Chief Committee Clerk

Request for a Consistency Ruling re the timing of the recordation of the restrictive covenant relative to the Inclusionary Units as set forth in Condition 17e. of special permit #510-03(2) granted on April 20, 2004 to First Church of Christ Scientist and Otis Development LLC at 391 Walnut St, Newtonville.

NOTE: Ms. Young explained that this special permit was the first one granted under the prior then-newly revised inclusionary zoning ordinance. That ordinance, which replaced the original "10 per cent ordinance," required recordation of restrictive covenants relative to affordable housing prior to the issuance of the building permit. This requirement created a timing problem for developers, particularly in regard to financing. Attorney Jason Rosenberg, who had represented the petitioners, worked with Ed Dailey and Ald. Johnson and others to amend the inclusionary zoning ordinance as a result of its first application in this petition. The Board of Aldermen approved those technical amendments on December 20th. The current ordinance requires the restrictive covenant to be filed prior to the issuance of an occupancy permit. This developer has offered to execute the restrictive covenant which the City will hold it in escrow until the time of occupancy. Ms. Young and Mr. Brown are satisfied with this offer, and noted that all other conditions required prior to the issuance of the building permit have been satisfied.

The Committee conveyed to Mr. Brown its agreement that holding the covenant in escrow until occupancy is consistent with the current ordinance.

#466-00(8) AGREEMENT TO AN EXTENSION OF TIME in which to ACT on NEIL DRUKER & JOANNE MACKINNON petition #266-00(3) to AMEND the site/landscaping plan approved in SPECIAL PERMIT/SITE PLAN APPROVAL #466-00(2), granted on May 7, 2000, for an accessory apartment in a detached structure at 145 HIGHLAND STREET, Ward 3, WEST NEWTON; said of EXTENSION OF TIME will run from January 31, 2005 through February 28, 2005.

ACTION: APPROVED 4-0 (Ald. Harney and Fischman not voting)

NOTE: The petitioners' attorney explained in a letter to the Committee that they are still working with the Fire Department in reviewing the new site plan.

Respectfully submitted,
George E. Mansfield, Chairman