



# Zoning & Planning Committee Report

## City of Newton In City Council

**Wednesday, September 12, 2018**

Present: Councilors Albright (Chair), Leary, Brousal-Glaser, Krintzman, Downs, Baker, and Kalis

Absent: Councilor Danberg

Also present: Councilors Crossley and Greenberg

City Staff: Barney Heath (Director, Planning Dept), James Freas (Deputy Director, Planning Dept.)  
Jonah Temple (Assistant City Solicitor), Katy Hax Holmes (Chief Preservation Planner Amanda  
Berman (Housing Planner), Lily Reynolds (Community Engagement Manager), Kathryn Ellis  
(Economic Development Director)

**#437-18**      **Appointment of Lakshmi Kadambi to the Commission on Disability**  
HER HONOR THE MAYOR appointing LAKSHMI KADAMBI, 55 Staniford Street,  
Auburndale as a member of the COMMISSION ON DISABILITY for a term to expire  
September 30, 2021. (60 days: 10/12/18)

**Action:**      **Zoning & Planning Approved 4-0 (Brousal-Glaser, Baker, Kalis not voting)**

**Note:** Lakshmi Kadambi joined the Committee. The Chair asked her to tell the Committee about her interest in joining the Commission on Disability. Ms. Kadambi explained that she has a child with cerebral palsy, who is now 27 years old. She did research to determine a school system that was inclusive and the family moved from India to Newton 17 years ago. He is now in a group home, having moved from assisted living. He went through Newton public schools then a private school on the Cape and has come such a long way and made such improvements. She has also taken him to England and India for physical therapies and rehabilitation. Newton has provided so much community support as they had no family or friends here. She knows what it is to be an immigrant and the challenges of getting here and trying to provide for a child with special needs. She feels she can give something back having had all these experiences with her son and family. She would like to help others navigate these difficult issues.

A Committee member said she was interested in making the City more accessible. She has done a survey of the City with a member of the COD and while great strides have been made, there needs to be more work done on playgrounds and other areas. Ms. Kadambi said the COD is currently working on that very issue including parks, pavement and curb cuts. Mobility and balance issues can make walking on uneven surfaces difficult. There had been issues with the walk signal taking an inordinate amount of time to change in Auburndale in the crosswalks, but they have improved. The COD is also thinking about the Lime Bikes and how some are blocking the right of way, but she does support the Lime Bike program in the City.

The Chair noted that the Public Facilities Committee had a docket item asking the assessment of accessibility throughout the City. She asked Ms. Kadambi to encourage Jini Fairley, the City's ADA Coordinator, to make that report available to the City Council.

Councilor Krintzman moved approval and the Committee voted in favor unanimously, with thanks.

**#434-18      Re-appointment of Lucille Chansky to the Commission on Disability**  
HER HONOR THE MAYOR re-appointing LUCILLE CHANSKY, 259 Jackson Street, Newton Centre as a member of the COMMISSION ON DISABILITY for a term to expire July 31, 2021. (60 days: 10/12/18)  
**Action:      Zoning & Planning Approved 4-0 (Brousal-Glaser, Baker, Kalis not voting)**

**Note:** The Committee voted to approve Ms. Chansky's re-appointment unanimously.

**#435-18      Re-appointment of Rosemary Larking to the Commission on Disability**  
HER HONOR THE MAYOR re-appointing ROSEMARY LARKING, 1600 Washington Street, Apartment 117, West Newton as a member of the COMMISSION ON DISABILITY for a term to expire July 31, 2021. (60 days: 10/12/18)  
**Action:      Zoning & Planning Approved 4-0 (Brousal-Glaser, Baker, Kalis not voting)**

**Note:** The Committee voted to approve Ms. Chansky's re-appointment unanimously.

**#436-18      Re-appointment of Barbara Lischinsky to the Commission on Disability**  
HER HONOR THE MAYOR re-appointing BARBARA LISCHINSKY, 1942 Washington Street, #142, Auburndale, as a member of the COMMISSION ON DISABILITY for a term to expire July 31, 2021. (60 days: 10/12/18)  
**Action:      Zoning & Planning Approved 4-0 (Brousal-Glaser, Baker, Kalis not voting)**

**Note:** The Committee voted to approve Ms. Chansky's re-appointment unanimously.

**#433-18      Discussion regarding landmark preservation**  
COUNCILOR ALBRIGHT requesting a discussion regarding landmark preservation that includes definitions, eligibility for designation, process for designation and determination, implications once a site is landmarked, and the process for making alterations to a landmarked site.  
**Action:      Zoning & Planning voted No Action Necessary 7-0**

**Note:** Katy Hax Holmes, Chief Preservation Planner, joined the Committee. She explained that she administers the local landmark ordinance on behalf of the Newton Historical Commission. The ordinance was adopted in 1993 and it essentially prevents historically significant buildings from being demolished in perpetuity. The demolition delay ordinance no longer applies after a landmark designation. The way a property is first considered for landmark designation is by nomination by a City Councilor, a group, the Director of the Planning Department or the Commissioner of

Inspectional Services. A property can only be landmarked in the City of Newton if it is on the National Register of Historic Places or has been determined for such a listing. If the property is already on the Register, it is a simpler process to go through the Newton Historical Commission for possible designation. If it has not yet been determined eligible there are a series of steps that are outlined in the ordinance that requires the Massachusetts Historical Commission to make the determination.

In order to get to a property on the National Register of Historic Places, the Massachusetts Historical Commission requires that an exhaustive, thorough application be completed which requires extensive research. There is also a presentation component to this and people at the state level review this material, which takes a lot of time and expertise. A preservation consultant usually writes these applications and it is expensive and has become more onerous over time. In the 80s, a consultant could research a property and put it on the National Register without an owner's consent and half the time the owners did not even know about it. The level of information required was minimal. The process now can result in a property being found eligible for listing, which means it has equal weight to being actually listed. It is a less cumbersome process and can be done through staff of a municipality.

The positive outcomes of a landmark designation is that an historically significant structure has been saved for the City of Newton. Some may view this as a negative outcome because any change to the exterior of a landmarked structure has to come before the Newton Historical Commission for review. These properties get treated as a single-property-local-historic-district. It does not mean that the building can never change. The Newton Historical Commission reviews changes to windows, roofing, additions, new structures on the property and these are flexible and negotiated changes.

The City currently has 22 landmarked properties since 1993 so it is not a common designation. The list of landmarked properties is posted on the City's website.

The appeal process for a landmark designation requires that the homeowner goes before a panel of the Metropolitan Area Planning Council. They have started charging a \$1500 fee for that appeal process after many years of providing the appeal review for free.

#### Committee Comments/Questions

A Committee member commented about a house on Chestnut Street that was just landmarked. The property owner wanted to split the parcel, move the landmarked house to one parcel and build another home. In the process, they were going to take down much of the house because it had been added later and was not original. The property was architecturally and historically significant. The owner and the architect came before the Newton Historical Commission and it was determined there would be very little left of that historic house – they were going to add a 3-car garage and it was being moved closer to the street. The move would lose much of the grandeur of the setback home and trees and landscape. The architect kept referencing that their plans were

within the 2018 building code. Even though this property was landmarked, so much could still be done to it so it barely seemed worth landmarking it.

A Councilor felt that was a manipulation of the ordinance and wondered how that could be countered. Ms. Holmes said the ordinance has been on the books since 1993 and it is her job to follow what is mandated in the ordinance in a legal manner, which was done in this case. This is the first landmark nomination where there was such a high level of rancor. She noted that she could not account for what architects and owners say in a hearing and the Commission does not always consider those comments. She thought the resolution of that nomination was difficult, but it was resolved in a way wherein no one was sued.

After the building was landmarked, the land was also landmarked. A Committee member wondered if this was common. Ms. Holmes explained that it is common part of landmark ordinances and is called a landmark preservation site. Typically this involves the land around a landmarked property that contributes to its historic context and is usually the parcel of land on which a property sits. On 50 Fairley Road, the house was landmarked on a double parcel and the house and its immediate environs were preserved. The lot that was created after it was subdivided was treated as part of the context of that original historic building so the Newton Historical Commission had jurisdiction over the design of the house that went on that adjacent lot to be sure it was contextually appropriate.

A Councilor asked if a particular view can be landmarked. Ms. Holmes explained that if a property with landmarked structure has a site associated with it that will have a new building on it, the view will be evaluated to see how it is affected by any new structure. In a sense, the views become part of the review. It was asked if Echo Bridge could be landmarked. Ms. Holmes said there is an effort to have it become a National Historic Landmark, which is outside her purview.

It was asked what would happen if a plan for a home meets the zoning ordinance requirements, but the Historical Commission is not pleased with that design. Ms. Holmes said the Historical Commission would have jurisdiction over the design. They cannot force a builder to exceed zoning and require something that is a special permit, but the NHC has to approve it before it can be built.

If a property is already on the National Register, it is pretty much a done deal as far as the Newton Historical Commission because it has gone through an extremely high level review. If a property is NOT on the National Register then the criteria involves:

If property is involved with historical events, local, regional or national

If associated with individual of significance, local, regional or national

If it has architectural significance for design, material, craftsmanship

The City then has criteria to establish historical significance as well which echoes these and also includes historic context, so in an area that is largely in area with similar historical significance.

To be removed from the National Register is done at the state level. The City can choose not to preferably preserve a structure if they feel it has been too altered.

A Committee member asked what process would guide the nomination of a building. In 2006, the Planning Department did decide to go after threatened buildings to be proactive. It compiled a list of about 10 properties and made an effort to get people to voluntarily landmark their houses. A few agreed but others did not.

Laura Foote, a resident of West Newton Hill, sent an email with questions. The Chair asked for a follow-up meeting to perhaps address those questions since tonight's agenda is quite full.

The Committee voted No Action Necessary, unanimously.

**#220-18      Discussion relative to the Washington Street Corridor Action Plan**  
DIRECTOR OF PLANNING requesting monthly progress discussions on the Washington Street Corridor action plan.

**Action:      Zoning & Planning Held 7-0**

**Note:** A full report of this discussion will be available on September 21<sup>st</sup>.

The Committee voted to hold this item.

**#187-18      Zoning Amendment for Inclusionary Zoning**  
DIRECTOR OF PLANNING requesting amendments to the Inclusionary Housing provisions of Chapter 30, Newton Zoning Ordinance, to increase the required percentage of affordable units; 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 to clarify and improve the ordinance with other changes as necessary.

**Action:      Zoning & Planning Held 7-0**

**Note:** A full report of this discussion will be available on September 21<sup>st</sup>.

The Committee voted to hold this item.

***Public Hearing assigned for September 24:***

**#408-18      Discussion and adoption of Economic Development Strategy Plan**  
DIRECTOR OF PLANNING requesting discussion and adoption of the Economic Development Strategy Plan as an amendment to the 2007 Newton Comprehensive Plan.

**Action:      Zoning & Planning Held 7-0**

**Note:** A full report of this discussion will be available on September 21<sup>st</sup>.

**Respectfully Submitted,  
Susan Albright, Chair**