

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY, JANUARY 11, 2010

Present: Ald. Johnson (Chairman), Baker, Swiston, Yates, Lennon and Sangiolo
Absent: Ald. Lappin and Shapiro

Others Present: Candace Havens (Acting Director, Planning and Development), Jennifer Molinsky (Planning and Development), John Lojek (Commissioner, Inspectional Services), Marie Lawlor (Assistant City Solicitor)

Introduction

Ald. Johnson explained that she previously met with Commissioner Lojek and Ms. Havens to review the outstanding items on the Zoning and Planning agenda. They also discussed the process of re-writing the Zoning Ordinances. Ald. Yates said he had some research on a way to facilitate this process and he will forward it to the Committee Clerk.

During this meeting, Ald. Johnson said she would like to review the outstanding agenda items with the Committee to determine timing and priority. There will be no actions taken on any of the items this evening. She asked the Committee members to let her or the Committee Clerk know if they have items they would like to take up soon. She plans on mixing older and newer items on agendas.

Public Hearing Reminder

Ald. Johnson wanted to remind the Committee that there will be a Public Hearing on January 25, 2010 at 7pm to discuss item #412-09 with the Finance Committee and the Zoning and Planning Board. The Assessors Department will be presenting this item.

Public Hearing assigned for January 25, 2010:

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#412-09 HIS HONOR THE MAYOR requesting approval of an amended 121A Tax Agreement between the City of Newton and the New Falls Associates Limited Partnership ('the owner'), dated November 13, 2009, whereby the City will receive \$2,537,500 in deferred taxes upon the completion of refinancing by the owner and 41 affordable housing units will be extended for an additional 22 years, until 2040.

Zoning and Planning Review

Ald. Johnson thought it would be helpful to review the processes of the Zoning and Planning Committee. She invited the Planning Department, Inspectional Services Department, and Law Department to present information.

Planning Department Review

Candace Havens introduced Dr. Jennifer Molinsky from the Planning Department. Dr. Molinsky will attend the Zoning and Planning Committee meetings.

Dr. Molinsky provided an extremely informative and helpful PowerPoint presentation. ***This presentation will be repeated prior to the February 1, 2010 Board of Aldermen meeting and Ald. Johnson urges all members of the Board to attend. It will also be posted on the Zoning and Planning Committee webpage.***

Inspectional Services Review

Commissioner Lojek said most of his work is done from a zoning perspective. His department has a zoning enforcement agency and they are inundated with requests for reviews and inspections. Their philosophy is to constructively work with people to solve issues and they have been very successful. There are some problems, however, that could require the courts to be involved if need be.

The Inspectional Services Department recently added a 4th building inspector, Christopher McWhite, who will deal with all the public schools which will streamline the process of addressing their problems. The School Department will be given a plan for repairs to work from. The priority right now for the Department is the safety of the public schools. The Department is also working on converting to online permitting and they will continue to work with IT Department on that. In the next month, all the building inspectors will be working from laptops and doing field inspections online and in real time. Sharing of information with the Planning Department is ongoing and they have a very cooperative relationship. Commissioner Lojek said his team was excellent and worked together well. He will get a summary of his personnel to the Committee.

Commissioner Lojek encouraged any members of the Committee to email him or his department with any questions or concerns. He would also be happy to meet at any time.

Law Department Review

Marie Lawlor explained that she works very closely with the Planning Department and Inspectional Services Department. The Law Department helps to interpret issues that come up with building codes and zoning. She also works closely with Dave Norton, the zoning enforcement agent. If a violator does not comply with the City's attempts to get them to be work within the codes, then a criminal zoning complaint would be filed in Newton District Court. This is generally very successful.

Ms. Lawlor said if there were ordinances that needed to be drafted, the more lead time the Law Department could have, the better.

Zoning Ordinance

Ald. Shapiro wondered why the Zoning Ordinance would need to be re-written. He wanted to know if the idea was to clarify the current meaning, or change the content. Commissioner Lojek said for one thing, they could use an index. He wants the

Ordinances to be understandable, quantifiable and enforceable. Newton's Ordinances are from 1922 with many, many amendments that have made some sections quite confusing.

All items referred to the 2010-2011 Board were reviewed and discussed briefly. The following items had follow-up questions:

#111-07 ZONING TASK FORCE recommending amendments to 30-21(3)(c), referred to as the de minimis rule, by amending the existing language with provisions: (1) clarifying the applicability to and effect of the rule on (a) the minimum distance between buildings; and (b) all applicable dimensional controls; and (2) creating a new procedure for approving a de minimis extension of the nonconforming nature of a structure. [04/10/07 @4:17 PM]

NOTE: Ald. Johnson asked what the status of this item was. Jen Molinsky answered that there were several working sessions that produced new language. It was agreed that the item would be re-docketed with the new language but that never happened. Ald. Johnson asked Dr. Molinsky to send the language to the Committee Clerk for distribution to the committee.

#237-01 ALD. MANSFIELD proposing to amend Secs. 30-1, 30-11, 30-12, and 30-13 of the Revised Zoning Ordinances to clarify the definitions of and specify the distinctions between restaurants, retail food establishments, fast food establishments, and food processing and preparation as allowed and permissive uses in Business, Manufacturing and Mixed Use Districts.

NOTE: Ald. Johnson felt this item could likely be voted No Action Necessary. She will put this item on the next agenda.

Motion to adjourn.

Respectfully submitted,

Marcia Johnson, Chairman