

CITY OF NEWTON
IN BOARD OF ALDERMEN
ZONING & PLANNING COMMITTEE REPORT
MONDAY, FEBRUARY 11, 2008

Present: Ald. Yates (Chairman), Ald. Lappin, Danberg, Linsky, Ciccone, Baker, and Harney

Also present: Ald. Hess-Mahan and several members of the Zoning Task Force Subcommittee on Half-story/dormers: Steve Hamilton, Jonathan Kantar, and Anatol Zukerman

City staff: Michael Kruse (Director of Planning & Development), Marie Lawlor (Assistant City Solicitor), John Lojek (Commissioner of Inspectional Services), Linda Finucane (Chief Committee Clerk)

Appointment by His Honor the Mayor

#39-08 BROOKE K. LIPSITT, 160 Boylston Street, Chestnut Hill, currently an associate member of the ZONING BOARD OF APPEALS, appointed as a regular member to fill the position vacated by Trudy Ernst, to expire September 30, 2008 (60 days: 4/4/08).

ACTION: APPROVED 7-0 (Harney not voting)

NOTE: Former Board of Aldermen President Lipsitt has served as an Associate Member of the Board of Appeals for three years. The new leadership of the Board of Appeals has had Associate members sit frequently so the only real changes going with this appointment are a possible further increase in the number of times she sits and in the possibility that she may become Chair or Vice-Chair since because those positions are closed to Associate Members. She is second in seniority on the ZBA and since the Chair and Vice-Chair rotate, she is likely to have one of these positions soon. (Several years ago, a member of the ZBA would have needed three decades, not three years to be second in service.) All Committee members present voted unanimously to approve her appointment as a full ZBA member.

Re-appointment by His Honor the Mayor

#61-08 SCOTT I. WOLF, 99 Clearwater Road, Newton Lower Falls, re-appointed as a member of the PLANNING & DEVELOPMENT BOARD for a term expiring February 1, 2010 (60 days: 4/4/08).

ACTION: APPROVED 7-0 (Harney not voting)

NOTE: Mr. Wolf's resume was attached to the agenda and he was present to answer questions. The Planning Board serves as the advisory board for Community Development Block Grant, HOME, and Emergency Shelter Grant funds from the Federal Government. The Board is still trying to achieve consensus on a revision of the home business ordinance. It also acts as a Board of Survey for new subdivisions and roads,

e.g., Kessler Woods. Alderman Yates told him about the time near the start of his aldermanic service when the Planning Board acting as a Board of Survey denied a subdivision of land at the corner of Needham and Christina Streets because of lack of safe access to the property. This denial of subdivision also stopped the owner from freezing the zoning. Alderman Yates urged the Planning Board to be aware of the precedent and act similarly in the future. The Committee voted 7-0 to approve Mr. Wolf's re-appointment.

Re-appointment by His Honor the Mayor

#14-08 DAPHNE COLLINS, 372 Waltham Street, West Newton, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire July 31, 2010 (60 days: 3-22-08).

ACTION: APPROVED 7-0 (Harney not voting)

NOTE: Ms. Collins is well known to several members of the Committee as a former member of the Planning Department staff. She is now the Historic and Conservation Planner in Watertown, a resident of Ward 3, and neighbor of Alderman Swiston. Ms. Collins' re-appointment was approved 7-0.

Re-appointment by His Honor the Mayor

#15-08 PHILIP PLOTTEL, 50 Roslyn Road, Waban, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire December 21, 2010 (60 days: 3-22-08). **Resume attached.**

ACTION: APPROVED 7-0 (Harney not voting)

NOTE: Mr. Plottel's resume was attached to the agenda. The Executive Director of Real Estate, Engineering & Construction for the Novartis Institutes for biomedical Research, he has served on the EDC since 2003. His re-appointment was approved 7-0.

#110-07 ZONING TASK FORCE recommending amendments to *Definitions, Story, half*, referred to as the half-story/dormer policy, by creating an ordinance with provisions: (1) codifying policy that permits a dormer that does not exceed fifty percent of the width of the wall directly below it; (2) permitting the vertical plane of the front wall of a dormer to align with the exterior wall directly below and requiring a roof line overhang between the dormer and the wall directly below; (3) requiring that the vertical plane of the side wall of a dormer be at least two feet from the vertical plane of the vertical plan of the side wall directly below; (4) prohibiting a dormer roof that exceeds the highest point of the ridgeline of the roof of the building; (5) amending the definition of roof height to be the vertical distance between the elevations of (a) the average grade plane and (b) the midpoint between the highest point of the ridgeline of the main roof and the line formed by the intersection of the top of the main building wall plane and the main roof plane; (6) creating a design review committee (DRC) to review and approve dormers not expressly permitted by ordinance, with a right of appeal to the Board of Aldermen by petitioners aggrieved by decisions of the DRC; and (7) specifying that the above

policy does not apply to dormers on the second floor of a building. [04-10-07 @4:17 PM]

ACTION: HELD 8-0

NOTE: See note below.

#126-07 ZONING TASK FORCE recommending the following amendments to Section 30-1 Definitions, "*Story, half*," referred to as the half-story/dormer policy, as follows: (1) remove the definition of "*Story, half*" in its entirety; (2) amend the current definition of "*Dormer*" to "*Dormer* a permanent superstructure projecting from a sloping roof and equipped with a window or a vent. The length of a dormer shall be less than the length of the wall below it by at least 3 feet at each end of the wall." [5-1-07 @2:23 PM]

ACTION: HELD 8-0

NOTE: There was extensive discussion of these two related items. It was clear that the Floor-Area-Ratio was a factor in both items as well as other Zoning Task Force items. However, since no change in the FAR had been advertised, the Chairman advised the Committee to stick to the proposals before it. The Committee reviewed with the Planning Director and Inspectional Commissioner the elements on which they agreed with the Task Force and asked them to come back with specific language embodying these agreements to a future meeting of the Committee. The Committee voted 8-0 hold the two items until that time.

All other items were held without discussion and the meeting was adjourned at approximately 10:00 PM.

Respectfully submitted,

Brian Yates, Chairman