

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY, APRIL 14, 2008

Present: Ald. Yates (Chairman), Ald. Swiston, Lappin, Baker, Harney, Danberg, Linsky, and Ciccone; also present Ald. Parker

City staff: John Rodman (Chairman of the Historical Commission), David Morton, (Member of the Historical Commission), Sandy Pooler (Chief Administrative Officer) Michael Kruse (Director of Planning & Development), Maurya Sullivan (Telecommunications Specialist/Planning), Eileen McGettigan (Assistant City Solicitor), and Linda Finucane (Chief Committee Clerk), Brian Lever and Katie Holmes (Preservation Planners)

#194-06      NEWTON HISTORICAL COMMISSION recommending that the Demolition Delay Ordinance, Section 22-44, be amended in an effort to:

- Reflect actual administrative practices vs. those specified in the current ordinance,
- Reduce the number of non-historic properties or building elements that the Commission reviews, while re-enforcing the intent of the original ordinance, which is to protect and enhance historically and architecturally significant properties, that are not otherwise protected through local historic districts and local landmark designation, through the creation of additional criteria, beyond just age of the building, based on the Commission's and staff's experiences over the past few years and through the use of building surveys, etc., and
- Help reduce ambiguities in the ordinance, such that both staff and members of the public have a better understanding of the types of structures and/or elements of structures that would fall under the purview of the Commission.

ACTION:      APPROVED 8-0 (Draft Ordinance attached)

NOTE: Planning Director Mike Kruse presented this item with the assistance of outgoing Newton Historical Commission Chair John Rodman, and Preservation Planners Brian Lever and Katie Holmes. The item is intended to reduce the number of owners of properties over fifty years old who are forced to attend meetings of the Historical Commission for possible demolition of entire properties or parts of properties that are obviously not historic. The final decisions are usually quick, but the property owners are forced to make a separate trip to City Hall at night and often have to sit for hours for a decision that was never in doubt. After discussion of the draft, Committee members felt

that it would likely achieve its goals. Architect and Newton resident Chris Chou said that it was her observation that the attention paid to the issue had already speeded up the process, but that the standards for historical significance should be prominently posted so that applicants would be aware of them from the beginning and that specific notices citing the grounds for historic significance should be given to applicants. The Preservation Planners distributed a form letter that they give out to applicants who must go to the Commission with a checklist of the areas of likely historic significance checked off. It was agreed that even more specifics would be given out on or with the letter. Local developer and Newton resident Dino Rossi also spoke in favor of streamlining the process. The revisions to the standards make them easier to understand. With the expectation of improved communications with applicants for possible findings of historic significance, the Committee voted 8-0 to approve the item.

The Committee also voted 8-0 to docket an item thanking Mr. Rodman for his decades of service to the city as he prepares to move to Pennsylvania.

#48-04            ALD. GENTILE requesting that subsection (c) (1) of Chapter 22-44, **Demolition of historically significant buildings or structures**, be amended to affect a building or structure which is in whole or in part 100 or more years old.

ACTION:        HELD 8-0

NOTE: Alderman Gentile filed this item in response to his observation that the demolition of many obviously non-historic properties were being sent to the Historical Commission for perfunctory review, clogging the docket of the Commission and subjecting their owners to hours of waiting for judgments that could easily be made at the same time the owners seek permits. The previous item is an alternate way of dealing with this topic. The Committee voted 8-0 to hold the item in Committee until Alderman Gentile could decide if the previous item worked and that as a result, this item could be voted No Action Necessary.

#434-06            ALD. YATES requesting a comparison of demolition delay ordinances of other communities, the model of the Mass Historic Commission, and other sources with Newton's demolition delay ordinance.[11-17-06@9:52 PM]

ACTION:        NO ACTION NECESSARY 8-0

NOTE: Alderman Yates filed this item when previous attempts to re-write the Demolition Delay turned out unsatisfactory. Because the previous item was approved and because he observed Preservation Planner Brian Lever seeking input from other preservationists on the Mass. Historic Commission list server, he moved No Action Necessary, which carried 8-0.

#346-07            HIS HONOR THE MAYOR proposing that §30-18A(d), *Wireless Communication Equipment Allowed As-of-Right.*, be amended by adding a new subparagraph (8) to require a public hearing and board of aldermen approval for wireless communication equipment (WiFi) utilized by the

city for its communications systems. **Hearing closed 2/25/08; 90 days:  
5/25/08**

ACTION: HELD 8-0

NOTE: This item was the subject of a public hearing on February 25, 2008. This evening, Chief Administrative Officer Sandy Pooler and Telecommunications Planner Maurya Sullivan presented it at some length, with major input from Alderman Parker, long the leading proponent of this concept on the Board. Steve Smith, IT Director of the Police Department, and Robert Karp, Newton Resident and President of Galaxy Communications, the city's likely partner in the proposed WiFi, Assistant City Solicitor Eileen McGettigan and Planning Director Mike Kruse were also available.

After extensive discussion, the committee agreed that the concept had considerable potential for improvements to city services in the 10% of the capacity of the system that would be assigned to the city, as well as the services to individuals and corporations within the city. However, several members found the proposed amendment too limited to understand its possible impacts on the entire zoning ordinance and asked that a fuller text showing how the concept fits into the current ordinance and how permits from the Board would be voted (two-thirds or majority) and what standards applicants would have to meet. Although the concept is still innovative, the presenters promised to provide additional materials, including information from other Massachusetts communities, answering as many of the questions as possible. The Administration will also try to provide a field trip to Brookline where such a system exists so that skeptics can assess the visual impact for themselves. Because of the strong advocacy from the Administration and Alderman Parker and the general support for the possible benefits among Committee members, the Chair agreed to take up the matter at the next Committee meeting on April 28, so it may be acted on by the full Board before it expires in late May, needing a re-hearing. With these understandings, the Committee voted 8-0 to hold the item.

All other business was held without discussion and the meeting was adjourned at approximately 11:00 PM.

Respectfully submitted,

Brian Yates, Chairman