

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY, FEBRUARY 12, 2007

Present: Ald. Yates (Chairman) Ald. Lappin, Danberg Weisbuch, Baker, Burg, Sangiolo, and Johnson

Also present: Ald. Albright and Hess-Mahan, both members of the Zoning Task Force and 3-foot grade change subcommittee

City staff: Juris Alksnitis (Chief Zoning Code Official), Linda Finucane (Chief Committee Clerk), John Lojek (Commissioner of Inspectional Services)

Other members of Zoning Task Force and/or the 3-foot grade change subcommittee Robert Corbett, Dino Rossi, Alan Schlesinger, and Steve Vona

Re-appointment by His Honor the Mayor

#10-07 BARBARA WALES, 5 Rotherwood Road, Newton Centre re-appointed as a full member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 2010 (60 days 3-17-07).[1-9-07 @4:43 PM]

ACTION: APPROVED 4-0 (Baker, Burg, Sangiolo, and Johnson not voting)

NOTE: Ms. Wales is a re-appointee and is well known to a number of Aldermen, particularly Alderman Weisbuch who knows her through her participation in youth sports. The committee voted unanimously to approve her re-appointment.

Appointment by His Honor the Mayor

#17-07 TRUDY P. REILLY, 21 Bradford Road, Newton Highlands, appointed as a member of the URBAN DESIGN & BEAUTIFICATION COMMISSION for a term to expire December 31, 2009 (60 days 4-6-07). [1-19-07 @12:57 PM]

ACTION: APPROVED 6-0-1 (Burg abstaining; Johnson not voting)

NOTE: Ms. Reilly will fill the long vacant Ward 5 seat on the UDBC. Her primary role is as a lawyer, but she brings to the commission a degree in urban planning, one of the designated fields. Four seats on the commission (Wards 4, 6, 7 and 8) are vacant and have been for a long time (perhaps potential applicants are put off by the limited actual functions of the commission - signs and fence appeals as opposed to a very broad mandate in the ordinance). Ms. Reilly responded to a request posted in the city's volunteer newsletter. The committee thanked her for her willingness to serve and upon a motion by Ald. Sangiolo approved Ms. Reilly's appointment 5-0, with Ald. Burg abstaining because she had just arrived.

Re-appointment by His Honor the Mayor

#18-07 SAMUEL D. PERRY, 26 Old Orchard Road, Chestnut Hill, re-appointed as an *alternate member* of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2010 (60 days 4-6-07). [1-19-07 @4:18 PM]

ACTION: APPROVED 8-0

NOTE: Mr. Perry is an original member of the CHHDC. He has been a Chestnut Hill resident for more than fifty years. Although paint color is not regulated in Newton's historic districts, he is a nationally recognized expert on historic paint and his profound knowledge extends to texture and means of extending the life of paint. He impressed the committee with that knowledge, particularly as related to Trinity Church in Boston, a recently restored national landmark. Ald. Baker moved approval of Mr. Perry's re-appointment, which carried unanimously.

Re-appointment by His Honor the Mayor

#19-07 CLAUDIA SAUERMAN WU, 25 Sewall Street, West Newton, re-appointed as an *alternate member* of the HISTORICAL COMMISSION for a term to expire January 1, 2010 (60 days 4-6-07). [1-19-07 @4:18 PM]

ACTION: APPROVED 8-0

NOTE: Ms. Wu is an attorney with extensive experience in historic preservation law. She is vice chair of Preservation Mass. The committee voted unanimously upon a motion from Ald. Sangiolo to approve Ms. Wu's re-appointment.

Re-appointment by His Honor the Mayor

#20-07 RODNEY BARKER, 49 Woodcliff Road, Newton Highlands, re-appointed as a *regular member* of the HISTORICAL COMMISSION for a term to expire January 1, 2010 (60 days 4-6-07). [1-19-07 @4:18 PM]

ACTION: APPROVED 7-0 (Weisbuch not voting)

NOTE: Former Alderman Barker is well known as the former chair of this committee, former school committee member, and one of the leaders of the effort to improve the Historical Commission's administration of the demolition delay ordinance. His re-appointment was approved 7-0, with Ald. Weisbuch not voting.

Appointments by His Honor the Mayor

#21-07 NANCY GRISSOM, 7 Orris Street, Auburndale, currently an alternate member of the Newtonville and Auburndale Historic District Commissions, appointed a *full member* of both Commissions for terms of office expiring January 1, 2009 and as a *regular member* of the HISTORICAL COMMISSION, replacing Donald Tellalian, for a term to expire January 1, 2010 (60 days 4-6-07). [1-19-07 @12:57 PM]

ACTION: APPROVED 6-1 (Burg opposed; Weisbuch not voting)

NOTE: Ald. Burg raised the issue of lengthy terms of membership of boards and commissions spread too thin. Nevertheless, the committee upon a motion by Ald. Sangiolo, voted 6-1 (Ald. Burg opposed and Ald. Weisbuch not voting to approve Ms. Grissom's appointments.

Re-appointment by His Honor the Mayor

#22-07 DONALD LANG, 999 Chestnut Street, Newton Upper Falls, re-appointed as an *alternate member* of the HISTORICAL COMMISSION for a term to expire January 1, 2010 (60 days 4-6-07). [1-19-07 @4:18 PM]

ACTION: HELD 8-0

NOTE: Mr. Lang is a very experienced architect and long-time member of the Historical Commission. He has recently bought and rehabilitated a home in the Upper Falls Historic District. Ald. Sangiolo asked that the item be held to enable her to ask about the level of design control exerted in the demolition delay process. After extensive discussion, the committee held the item in order to extend an invitation to Mr. Lang to come in.

The committee discussed with members of Zoning Task Force the Report of its 3-Foot Grade Change Subcommittee **NB: The report with photographs was attached to the committee agenda.**

NOTE: Ald. Hess-Mahan, Chairman of the Zoning Task Force introduced the 3-foot grade change subcommittee members who then presented the item in detail. Attorney Alan Schlesinger explained the concept of the item; essentially retaining walls and other barriers over 5-feet tall would be defined as structures and thus prohibited in setbacks without a special permit. The subcommittee recommends a special permit with different-than-usual-standards to be administered by the Zoning Board of Appeals. Architect Mark Sangiolo presented a series of photographs of homes throughout the city and explained how the proposed amendment would apply to them.

Committee members asked why the Zoning Board of Appeals, rather than an administrative agency. Some felt that the appearance of some too high walls should be controlled, with prejudice against concrete and concrete block, but for stone or brick; other members felt that this proposal would not prevent abuses by developers building up grades to construct higher structures. Nevertheless, although the subcommittee was asked to revisit the height triggering the special permit, i.e., 5', which some members felt too high, or 4', the committee agreed the overall idea has enough merit that the task force was encouraged to develop with the law department language suitable for a public hearing notice.

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

Respectfully submitted,

Brian Yates, Chairman