

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY, JUNE 11, 2007

Present: Ald. Yates (Chairman), Ald. Baker, Weisbuch, Lappin, Johnson, Burg, Danberg, and Sangiolo; also present: Ald. Parker, Vance, and Samuelson

City staff: Juris Alksnitis (Chief Zoning Code Official), Linda Finucane (Chief Committee Clerk), Michael Kruse (Director of Planning & Development), Marie Lawlor (Assistant City Solicitor)

Also present: Phil Herr, Chairman Comprehensive Plan Advisory Committee

Appointment by His Honor the Mayor

#166-07 DONALD LANG, 999 Chestnut Street, Newton Upper Falls, appointed as the *Newton Historical Society* representative member of the HISTORICAL COMMISSION for a term of office expiring July 1, 2010 (60 days 7-20-07).[5-15-07 @2:49 PM]

ACTION: APPROVED 4-0-3 (Burg, Johnson, Weisbuch abstaining; Sangiolo not voting))

NOTE: Mr. Lang is a long-time member of the Historical Commission who is moving from the architect's seat to the recently allowed seat for a representative of the Newton Historical Society to open up the architect's seat. As his attached resume shows, he has extensive and highly regarded architectural experience. In addition to his years of service on the Historical Commission, he has served on the Chestnut Hill Historic District Commission for more than six years and recently joined the Angino Farm Commission, where according to Alderman Lappin he has been an "extremely knowledgeable and helpful" member. She moved approval of his appointment. Alderman Johnson pointed out that technically he is a new appointee to the Historical Commission despite his terms of service on it and said she would abstain until he came back before the Committee. It was pointed out that he was well known to the Committee since he had appeared before it this past April (report attached).

The Motion by Alderman Lappin to approve Mr. Lang's appointment passed 4-0-3 (Johnson, Burg, Weisbuch abstaining, Sangiolo not yet present).

**REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES**

#192-07 HIS HONOR THE MAYOR requesting an appropriation for \$43,123.50 from Receipts Reserved for Appropriation fund for the purpose of making a grant for the rehabilitation of the Warren House. These funds are the portion of the Inclusionary Housing fees designated for the Newton Community Development Authority. [05-29-07 @ 4:54 PM]

ACTION: APPROVED 4-0-3 (Baker, Danberg, Johnson abstaining)

NOTE: Mr. Kruse presented the attached letters, and explained that Warren House, the former Warren Junior High turned into a mixture of affordable and market rate housing in 1991 after

decades of use, needs roughly 2.9 million dollars in repairs. Most of this will be financed by a new contract with MassHousing. The city will be asked to contribute approximately \$400,000 of Community Preservation funds and Community Development Block Grant funds (the project is not eligible for HOME funds for reasons that Mr. Kruse will clarify in the future). The item itself is only for \$43,000 from the Inclusionary Housing Fund. This item and the larger package are necessary for two reasons. One is the repair of the building's physical decline. The other is to extend the affordable housing coverage of the units in the project in number and in time. The original special permit condition in accordance with the practices of that time only preserved the affordability of all 21 units for 30 years. Without the new financing, only 15 units will be able to be preserved as affordable for thirty years. The new financing, including this item will enable the other six to remain affordable as well. The relationship between the financing and the affordability was not clear to all members. Mr. Kruse promised to provide a memorandum explaining it in detail. (He could not do so this evening because of computer problems.) The Committee approved the item 4-0-3, with Alderman Baker, Danberg, and Johnson abstaining and Alderman Sangiolo not voting.

#66-07            NEW ENGLAND DEVELOPMENT proposing to amend §30-15 by adding a new subsection entitled **Planned Business Development (PBD)** relative to the mixed use and design of large tracts of land in certain business districts and requirements to meet certain minimum criteria, including acreage and FAR, in turn for eligibility for certain density/dimensional bonuses and exceptions. [2-27-07 @5:17 PM](**Hearing opened March 26, closed April 23; 90 days 7/22/07.**)

ACTION:        HELD 8-0 for June 25 meeting

NOTE: The item was discussed at length with Planning Director Michael Kruse presenting each of the issues in the attached memorandum and John Twohig of Goulston & Storrs, the petitioner's attorney, responding verbally and in a memorandum attached. The Committee gave Mr. Kruse as to which directions to take in amending the text of the petition. A more detailed report on this part of the meeting will be sent out prior to the next committee meeting on June 25, when the item will be discussed.

#333-97            ALD. YATES proposing to amend the zoning ordinance to require a special permit for the subdivision of property where such subdivision would reduce the level of service for traffic at the intersection of the subdivision with a public way by one level of service or more. (**Hearing Closed March 26; 90 days 6/24/07**)

ACTION:        HELD 8-0

NOTE: This item deals with a portion of a possible criterion for special permits. Alderman Yates admitted that the more general issues of the Planned Business District needed to take precedence. He moved hold and the Committee agreed.

#323-05(2) ZONING & PLANNING COMMITTEE establishing a Task Force of persons knowledgeable about the Newton Zoning Ordinance to advise the consultant proposed in #323-05, the Committee, the full Board, the Planning, Law, and Inspectional Services Departments about the problems with the Zoning Ordinance in item #354-04 and the Report of the Inspectional Services Commissioner in response to item #340-05 and ways in which the Ordinance could be improved. **Task Force Appointed 12/12/05**

ACTION: NO ACTION NECESSARY 7-0 (Sangiolo not voting)

Since the Zoning Task Force has completed its work and submitted several items to the Committee for consideration, the item establishing the Task Force seemed no longer necessary to Alderman Yates. He moved No Action Necessary. The Committee agreed 6-0.

#137-05(3) ZONING & PLANNING COMMITTEE proposing that the definitions of *Gross Floor Area* and *Half Story* be amended

ACTION: NO ACTION NECESSARY 7-0 (Sangiolo not voting)

NOTE: Since two of the Task Force items define the terms “dormer” and “half story”, this item seemed no longer necessary to Alderman Yates. He moved No Action Necessary, and the Committee agreed.

#354-04 ALD. BAKER AND SANGIOLO proposing that the Zoning Ordinances be amended in order to address building mass and height, better reflect usable floor area in attic and basement spaces, clarify measurement of building height when the roof line is changed, address upper story additions involving dormers and finished attic areas, and address large additions significantly increasing building size and mass, through amending the following provisions including but not limited to Section 30-1 definitions pertaining to “attic”, “height”, “story, half”, floor area, gross”, “space, habitable”, adding new definitions as appropriate pertaining to dormers and roof types, and amending Section 30-15, Table 1, Footnote 7(3) pertaining to calculation of FAR in the case of existing structures and such other related provisions as may apply.

ACTION: HELD 7-0 (Sangiolo not voting)

NOTE: Since it was not clear if the items produced by the Task Force covered all the topics in this item, Alderman Baker moved hold until the items are reviewed. The Committee voted to hold the item.

#351-06 HIS HONOR THE MAYOR submitting in accordance with Section 7-2 of the City Charter an updated Draft Newton Comprehensive Plan, dated October 2006.

ACTION: PUBLIC HEARING TO BE ASSIGNED FOR SEPTEMBER 10, 2007:

NOTE: The Committee held a brief discussion relative to the public hearing required for Draft Comprehensive Plan. Phil Herr, Chairman of the Comprehensive Planning Advisory Committee and Mr. Kruse noted that the Planning & Development Board had held several public meetings

that resulted in its submitted its recommendations to the Board of Aldermen in March. The Committee agreed to schedule the public hearing for September 10.

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

Respectfully submitted,  
Brian Yates, Chairman