

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY, NOVEMBER 26, 2007

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

Also present: Ald. Vance

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

Also present: Phil Herr (Chairman of the Comprehensive Planning Advisory Committee)

#66-07(2) DIRECTOR OF PLANNING AND DEVELOPMENT proposing to amend Section 30-15 by adding a new subsection entitled **Planned Multi-Use Business Development (PMBD)** which will allow the Board of Aldermen to grant a special permit for a mix of compatible and complementary commercial and residential uses on large tracts of land in any Business 4 District, subject to certain minimum criteria for PMBDs and additional special permit criteria relative to adequacy of public facilities; mitigation of neighborhood impacts; housing, public transportation and traffic and parking improvements, and utility infrastructure enhancements; compatibility and integration with its surroundings; not inconsistent with applicable local plans or general laws; improved access nearby; enhanced open space; excellence in place-making; and a comprehensive signage program. (*Approved 6-1 (Sangiolo) on 10/22; recommitted 11/5/07; 90 days: 12/23/07*)

ACTION: APPROVED 5-0 (Sangiolo opposed; Weisbuch not voting)

NOTE: The only item before the Committee was the recommitted item on the establishment of Planned Multi-Use Business Developments in lots of at least ten acres in Business 4 Districts. It had been heard by the Committee on September 24 and will expire by December 23, 2007. Alderman Lappin chaired the meeting due to late arrival of Alderman Yates and did an excellent job guiding the Committee to final action on the item after three hours of debate. Mr. Kruse explained that his Department had complied the document as previously approved by the Committee and had made a few additional amendments that were embodied in the text with the original item developed by his Department. Most of his suggested changes discussed briefly by the Committee were accepted. Alderman Danberg had various suggested changes (attached) to the section about pedestrian safety. Alderman Baker was initially unconvinced about some of them, but, ultimately, after a philosophical discussion about the feasibility of pedestrian traffic along Boylston Street/Route 9, the Committee accepted compromise language developed by Alderman Yates.

An amendment proposed by Alderman Danberg to the purpose section that echoed the previously adopted language about integrating a PMBD into the surrounding neighborhoods while still protecting them was adopted. A further amendment about not allowing walls to become impenetrable barriers because of lack of windows or doors was withdrawn after members found it duplicated other language elsewhere in the ordinance. Alderman Sangiolo moved several amendments that had been formulated by Sean Roche. Some that seemed to clarify previously adopted language were adopted, while others that increased restrictions on projects were not adopted. After some modifications, an amendment requiring that all supplementary materials as well as the original applications be submitted electronically as well as in hard copy was adopted.

Alderman Parker then spoke about several amendments that he had suggested to the Committee in an earlier memo (attached). He urged that the height of the buildings be restricted to eight stories or no higher than Newton Fire Department apparatus could reach directly and that the buildings be designed in the most fire resistant means possible. Mr. Herr pointed out that the city cannot impose fire safety standards more restrictive than those in the state building code. The Committee agreed. Other buildings have exceeded eight stories with intensive sprinkler systems to control fires and save lives. Alderman Parker thought they were bad examples, and that no more should be allowed. The Committee was unwilling to accept most of his amendments because they were on topics that the Committee had previously resolved, often after lengthy discussion. He suggested that the mix of uses be restricted so that most of the PMBD would be devoted to the more lucrative and less tax consuming commercial uses. The Committee felt that the concept anticipated a synergy between uses with workers and residents using shops and restaurants. No Committee member moved any thing on this topic. Alderman Yates suggested that items involving the density of PMBDs such as Floor Area Ratio and height were appropriate as floor items. Alderman Parker acknowledged the suggestion. His suggested amendment to change the word "consider" in the criteria to something more definitive was put aside while the Committee advisors looked for the parallel structure in the rest of the ordinance and never taken up again. The version of the language subsequently developed by the Law Department states unequivocally that a PMBD must comply with all of the criteria so that no further amendment on this topic would be needed.

The Committee then voted 5-1, with Alderman Sangiolo opposed, to accept the motion by Alderman Baker that the draft of the item as amended by the actions of the Committee be approved. All other items were held without discussion and the meeting was adjourned at approximately 11:55 PM.

Respectfully submitted.

Brian Yates, Chair