

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY, DECEMBER 10, 2007

Present: Ald. Yates (Chairman), Ald. Lappin, Baker, Danberg, Sangiolo, and Burg;
absent: Ald. Johnson and Weisbuch; also present: Alderman-elect Swiston
City staff: Juris Alksnitis (Chief Zoning Code Official)

#219-06 ALD. PARKER, MANSFIELD, HESS-MAHAN & FISCHMAN
requesting discussion of an ordinance that would require builders of large
new structures and/or major expansions of existing structures to use
natural plantings to screen the view of those structures from any abutting
residences.

ACTION: REFERRED TO 2008-2009 BOARD

NOTE: The item was introduced by Aldermen Parker, Fischman and the other sponsors
in response to a request by Ms. Joyce Picard, a resident of 14 Halcyon Road since 1962
and a former member of the School Department's Declining Enrollment Committee and
the city's Community Education Commission. The house to the rear of her lot, which is
11 Stearns Street, had a massive two-story addition in what was formerly a backyard.
She is distressed that she received no notice of this development with its massive impact
on the quality of her life. The addition has replaced all major plantings on its property,
but badly needs major screening to reduce its impact and maintain her privacy. She
would like to see the Zoning Ordinance changed to prevent similar impacts on other
people. The Committee voted to refer the item to the next Board with the request that the
Planning Department work with the Urban Design and Beautification Commission,
Inspectional Services Department, and other city agencies to develop a specific threshold
for such developments that would trigger notices to abutters and a meaningful design
review that would include possible alteration of the siting of the addition and the
requirement for a "green screen" of sufficient landscaping.

Appointment by His Honor the Mayor

#337-07 DANIEL GREEN, 46 Glen Avenue, Newton Centre, appointed as a
member of the CONSERVATION COMMISSION for a term to expire April 30, 2009
(60 days 1-4-08). [10-23-07 @10:49 AM]

ACTION: APPROVED 6-0

NOTE: Mr. Green is the son of retiring Commission Member Alan Green. He has been
an active associate Commission member for several years. He remembers the
Commission discussing the need for ticketing for violation of Commission order. As a
real estate developer, he is active in the development of a Green Building Initiative that
will make it more financially feasible to build environmentally friendly properties. He
promised to inform the Board when the Initiative begins. The Committee voted 5-0-1
with Alderman Burg who had just arrived at the time of the vote abstaining.

Since resumes of all the following re-appointees were sent out and many are known to several Committee members, and they are all re-appointments, the Committee voted unanimously to approve them all.

Re-appointment by His Honor the Mayor

#338-07 DAVID MORTON, 148 Edinboro Street, Newtonville, re-appointed as a *regular* member of the HISTORICAL COMMISSION for a term to expire January 1, 2011 (60 days 1-4-08). [10-29-07 @2:38PM]

Re-appointment by His Honor the Mayor

#339-07 LEONARD SHERMAN, 181 Windsor Road, re-appointed as an *alternate* member of the HISTORICAL COMMISSION for a term to expire January 1, 2011 (60 days 1-4-08). [10-29-07 @2:39 PM]

Re-appointment by His Honor the Mayor

#340-07 WILLIAM ROESNER, 34 Hancock Avenue, Newton Centre, re-appointed as a *regular* member of the HISTORICAL COMMISSION and as the Historical Commission member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for terms to expire January 1, 2011 (60 days 1-4-08). [10-29-07 @2:38 PM]

Re-appointment by His Honor the Mayor

#341-07 JOHN MARTIN, 12 Simpson Terrace, Newtonville, re-appointed as a *regular* member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2011 (60 days 1-4-08). [10-29-07 @2:38 PM]

Re-appointment by His Honor the Mayor

#342-07 JIM GROSS, 80 Highland Avenue, Newtonville, re-appointed as a *regular* member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2011 (60 days 1-4-08). [10-29-07 @2:38 PM]

Re-appointment by His Honor the Mayor

#343-07 CAROL WARNER, 26 Lowell Avenue, Newtonville, re-appointed as a *regular* member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2011 (60 days 1-4-08). [10-29-07 @2:38 PM]

#306-04 ALD. SANGIOLO & JOHNSON on behalf of George Foord proposing either an amendment or new ordinance re: living fences.
NO ACTION NECESSARY SUBJECT TO 2nd CALL

#50-06 ALD. SAMUELSON proposing that private contractors be required by ordinance to obtain a permit from Inspectional Services prior to installing outdoor lighting on public property.
REFERRED TO THE 2008-2009 BOARD SUBJECT TO 2nd CALL

THE FOLLOWING ITEMS WERE REFERRED TO THE 2008-2009 BOARD:

- #239-01 ALD. MANSFIELD proposing to amend Secs. 30-1, 30-11, 30-12, and 30-13 of the Revised Zoning Ordinances to establish a definition of and to specify appropriate zoning districts in which to conduct food catering businesses.
- # 86-02 ALD. MANSFIELD proposing to amend Secs. 30-11(a)(9) and 30-11(d)(9) to require a special permit for restaurants having not more than 50 seats that are within 300 feet of a Residence District.
- #376-04 ALD. YATES requesting an amendment to Sec. 22-75 to allow the Economic Development Commission to exercise all the powers of an economic development and industrial corporation under Chapter 121 C of the General Laws upon a finding by the Board of Aldermen that there exists in the city conditions of unemployment or threat of future unemployment.
- #152-04 ALD. SANGIOLO proposing that Chapter 30 be amended by adding a definition of “kitchen facilities.”
- #267-03 ALD. SANGIOLO, JOHNSON, STEWART, & SAMUELSON proposing that Sec 30-5(a)(3) of the Zoning Ordinance be amended to include public safety concerns and a cap on the number of students based on lot size.
- #303-07 ALD. JOHNSON, ALBRIGHT, HESS-MAHAN, LINSKY & SANGIOLO proposing to amend Chapter 30-24(f) to clarify and revise it provisions requiring inclusion of low-income housing units in certain residential developments, by so doing encourage multi-family developers to seek approval under Newton zoning rather than under Chapter 40B. [1-3-07@9:29; AM]
- #344-07 ALD. GENTILE, HARNEY & SANGIOLO requesting information from the Commissioner of Inspectional Services as to why a building permit was issued for work at the Marriott Hotel without a special permit amendment and when the mistake was discovered why a stop work order was not issued. [10-30-07 @5:20 PM]
- #345-07 ALD. BURG, VANCE, HESS-MAHAN, SALVUCCI, DANBERG requesting revision of the special permitting process for signs. [10-23-07 @3:19 PM]
- #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. [10-30-07 @3:39 PM]
- #347-07 ALD. PARKER, SANGIOLO, VANCE requesting an amendment to **§30-20, Signs and other advertising devices.**, to bring the ordinance into compliance with court ruling regarding the protection of free speech as it applies to signs expressing opinions.
- #248-07 ALD. YATES proposing to amend the “demolition delay ordinance” to exclude from review the partial demolition of architectural features not visible from a public or private way or a public park or open space. [8-7-07 @2:05 PM]

#333-97(2) ALD. YATES proposing that Chapter 30 be amended to prohibit without a special permit in any zoning district the approval of a subdivision that would be accessed by any public way on which the Level of Service at the point of access is already a D, E, or F, for at least one hour per week or if the additional traffic to be generated by the subdivisions would cause the Level of Service at the point of access to a public way to fall to D, E, or F for at least one hour per week. [8-7-07 @2:05 PM] **(Hearing closed September 24, 2007; 90 days 12/23/07)**

#339-06 ALD. PARKER proposing an amendment to Chapter 30 to require that residential developments over 36 feet in height include a minimum of 25% affordable ('inclusionary') units. **(Hearing closed 4/23/07; 90 days 7/22/07)**

#193-06 ALD. VANCE proposing an ordinance that would require the owner of any residential property who is not otherwise required to give written notice to abutters and others of proposed modifications of the owner's residential structure to provide such written notice prior to the filing by such owner of an application for the building permit to construct such proposed modifications.

ITEM RECOMMENDED BY THE FULL BOARD ON DECEMBER 4, 2006

#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.

#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.

#10-05 PRESIDENT BAKER recommending discussion and possible recommendations about amendments to historic district state law proposed by the Massachusetts Historical Commission, including suggested enhancement to facilitate local review and effective compliance.

- #237-01 ALD. MANSFIELD proposing to amend Secs. 30-1, 30-11, 30-12, and 30-13 of the Revised Zoning Ordinances to clarify the definitions of and specify the distinctions between restaurants, retail food establishments, fast food establishments, and food processing and preparation as allowed and permissive uses in Business, Manufacturing and Mixed Use Districts.
- #238-01 ALD. MANSFIELD & SAMUELSON proposing to amend Sec. 30-1 and 30-11(g)(5) of the Revised Zoning Ordinances to clarify the definition of and restrict the permissive use “drive-in food service establishment” to Limited Manufacturing Districts only.
- # 7-99 ALD. PARKER requesting discussion of possible zoning amendments to create additional residential districts with different FAR and lot size requirements.
- #231-02 ZONING & PLANNING COMMITTEE requesting that further studies be done by the Planning and Public Works Departments with maximum feasible participation by the neighborhood (using special permit mitigation money to hire consultant(s) if necessary) to answer questions and address issues raised in Zoning and Planning Committee on June 10, 2002 about how to reduce the possibility of further over development in Thompsonville and ways to measure its impact.
- #330-02 ALD. JOHNSON, BULLWINKLE, LINSKY requesting a discussion regarding revamping the home business ordinance to reflect current uses (allowable/not allowable).
- #59-03 ALD. SANGIOLO proposing amendments to Chapter 30-19 Section (j), *Lighting, Surfacing, and Maintenance of Parking Facilities*.
- #287-01 ALD. SANGIOLO proposing an ordinance to require a permitting process for the construction of parking lots.
- #371-01 ALD. PARKER, YATES, SANGIOLO, BASHAM, LIPSITT proposing an ordinance to require an appropriate review and approval process to control drainage and other environmental impacts in cases of major excavation or other topographic changes.

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #358-07 HIS HONOR THE MAYOR submitting the FY09-FY13 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter which requires Board of Aldermen approval of a plan to finance \$194,907,647 of new local projects over the next several years:

SUMMARY

PUBLIC WORKS (CITY AND GRANT/FEE FUNDED)	\$ 67,632,500
PUBLIC SAFETY	\$ 6,230,535
PUBLIC BUILDINGS	\$ 16,772,295
SCHOOL DEPARTMENT	\$ 94,259,767
PARKS AND RECREATION	\$ 7,366,000
OTHER	\$ 2,646,546
TOTAL	\$194,907,647

Respectfully submitted,
 Brian Yates, Chairman