

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, FEBRUARY 13, 2006

Present: Ald. Yates (Chairman), Ald. Baker, Weisbuch, Sangiolo, Danberg, Johnson, Burg, and Lappin; also present: Ald. Hess-Mahan

City staff present: Marie Lawlor, Assistant City Solicitor, Mike Kruse, Director of Planning & Development, Juris Alksnitis, Chief Zoning Code Official, Lara Kritzer, Preservation Planner, and Linda Finucane, Chief Committee Clerk

Re-appointment by His Honor the Mayor

#51-06 JACK LEADER, 613 California Street, Newtonville, re-appointed as a member of ECONOMIC DEVELOPMENT COMMISSION, for a term to expire September 5, 2008 (60 days 4-7-06).

ACTION: APPROVED 8-0

Mr. Leader is a long-time Newtonville resident recruited to the EDC by Ald Johnson. He was pleased with the establishment of the Newton Centre Task Force in response to the recommendations of the EDC. The EDC now is turning its attention to West Newton Square. Mr. Leader's re-appointment was approved unanimously.

Re-appointment by His Honor the Mayor

#52-06 JOHN RODMAN, 40 Avondale Road, Newton Centre, re-appointed as a member of both the NEWTON HISTORICAL COMMISSION and the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for concurrent terms to expire on January 1, 2009 (60 days 4-7-06).

ACTION: APPROVED 8-0

NOTE: Since Mr. Rodman chairs the Newton Historical Commission and serves on the Chestnut Hill District and Auburndale District Commissions, he has a unique perspective on the demolition review process and the dual membership and alternate positions for each of the district commissions required by ordinance. Since this topic is before the committee in the form of item nos. 312-05, 48-04, and 194-05, Mr. Rodman was asked for his opinion. He explained that he gives his major focus to the Historical Commission and to the new Auburndale district. In the Chestnut Hill District, he serves primarily as an emergency backup to ensure a quorum.

He feels that the worst problem with the multiple commission membership is that only full Historical Commission members can be appointed as full members of the district commissions. Historical Commission members could not fill a full membership on the busiest district commission, on at least one commission, a full Historical Commission member serves nominally, but rarely attends. An alternate Historical Commission member attends most meetings, i.e., a full member in all but name. Mr. Rodman recommends strongly that full and alternate members be

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eligible to serve in either capacity on the district commissions. He said that it would be reasonable to make the second Historical Commission seats available to Newton Historical Society members.

Mr. Rodman agreed that many “new” older buildings subject to demolition review come before the Historical Commission pointlessly. He recommended that the ordinance be amended to exempt such portions of buildings from demolition review.

The committee thanked Mr. Rodman for his input on these issues and for his willingness to serve on three commissions as well as the Public Buildings Preservation Task Force, and approved his re-appointment by a vote of 8-0.

Re-appointment by His Honor the Mayor

#53-06 CHARLES McMILLAN, 14 Crystal Street, Newton Centre, re-appointed as a member of the NEWTON HISTORICAL COMMISSION for a term to expire on January 1, 2009 (60 days 4-7-06).

ACTION: APPROVED 8-0

NOTE: Mr. McMillan fills the realtor position on the Historical Commission and represents the commission on the Community Preservation Committee. In that role, he serves as a major scrutinizer of historic preservation projects before the Community Preservation Committee. (Recently, he essentially postponed the Crafts Street Stable project and Health Department building projects for a year while the project applications were improved.) After the Community Preservation Committee approves such projects, he becomes the advocate before aldermanic committees. However, he feels somewhat uncomfortable in that role since he is not an architect or a professional preservationist. Nevertheless, the committee thanked him for his willingness to serve, and voted unanimously to approve his re-appointment.

Re-appointment by His Honor the Mayor

#54-06 LIVIU BRILL, 193 Oak Street, Newton Upper Falls, re-appointed as a member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term of office to expire on January 1, 2009 (60 days 4-7-06).

ACTION: APPROVED 8-0

NOTE: Mr. Brill is an architect who now lives in Upper Falls. Some years ago he was a resident of Lower Falls know to the Chairman when they worked together unsuccessfully to prevent the closing of the Hamilton and Emerson Schools in the hearts of both their villages. He has been an active member of the district commission since 1997, when the Boston Society of Architects recommended him for that initial appointment. As an architect, his service is particularly valuable to the commission. He continues to enjoy participating and advising applicants, but time constraints prevent him from serving on dual commissions. The committee voted unanimously to approve Mr. Brill’s re-appointment.

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Re-appointment by His Honor the Mayor

#55-06 MERLE WINER, 84 Valentine Street, West Newton, re-appointed as an ALTERNATE member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term of office to expire on January 1, 2009 (60 days 4-7-06).

ACTION: HELD 8-0

NOTE: Ms. Winer is a realtor. Ald. Baker vouched for Ms. Winer's service but in deference to the two new members of the committee and because she was unable to be present this evening and her resume was not available the committee upon a motion by Ald. Johnson, voted to hold her re-appointment.

Re-appointment by His Honor the Mayor

#56-06 SETA DER HOHANNESIAN, 14 Summer Street, Newton Upper Falls, re-appointed as a RESIDENT member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term of office to expire on January 1, 2009 (60 days 4-7-06).

ACTION: APPROVED 8-0

NOTE: Ms. Der Hohannesian is a long-time resident of Upper Falls. Although she was unable to be present this evening, her resume was attached to the agenda. The Chairman noted that Ms. Der Hohannesian attends commission meetings regularly, and had also attended both a special meeting concerning the future of Mary Immaculate of Lourdes Church and a public hearing on the unsuccessful attempt to expand the Upper Falls Historic District west of Elliot Street (including the site of Millhouse Commons which is being developed after the demolition of one historic building and another moved to locate two modular homes on the site.). The Chairman moved approval of Ms. Der Hohannesian's re-appointment, which passed unanimously.

Re-appointment by His Honor the Mayor

#57-06 WENDY PANNEBAKER MATTHEWS, 44 Concolor Avenue, Newton Corner, re-appointed as a member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term of office to expire on January 1, 2009 (60 days 4-7-06).

ACTION: APPROVED 8-0

NOTE: Ms. Matthews fill the realtor seat on the district commission, a seat that in the past has been hard to fill. She attends the meetings regularly, according to Ms. Kritzer. The Chairman moved approval, which was approved 8-0.

Re-appointment by His Honor the Mayor

#58-06 ALLEN JOHNSON, 32 Ware Road, Auburndale, re-appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office to expire on January 1, 2009 (60 days 4-7-06).

ACTION: APPROVED 8-0

NOTE: Mr. Johnson was unable to be present. His resume was attached to the agenda. Mr. Johnson is an historic preservation consultant with over 14 years experience hi historic preservation planning, including architectural design. Several commission and committee members praised the expertise he brings to the commission. Upon a motion by Ald. Danberg, Mr. Johnson's re-

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appointment as a Historical Commission member to a district commission was approved unanimously.

Re-appointment by His Honor the Mayor

#59-06 ELLEN FITZPATRICK, 20 Foster Street, Newtonville, re-appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office to expire on January 1, 2009 (60 days 4-7-06).

ACTION: APPROVED 8-0

NOTE: A history professor, Ms. Fitzpatrick was unable to be present because she teaches on Monday evenings. Her resume was attached to the agenda. One of the initiators in establishing the commission, Ms. Fitzpatrick is a resident member and is currently chair of the commission.

Ald. Johnson move approval of the re-appointment, which was unanimous.

Re-appointment by His Honor the Mayor

#60-06 MARI WILSON, 30 Foster Street, Newtonville, re-appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office to expire on January 1, 2009 (60 days 4-7-06).

ACTION: APPROVED 8-0

NOTE: Ms. Wilson was not present, but her resume was attached to the agenda. She is an attorney, which position she holds on the commission. Ald. Johnson knows her well and moved approval of the re-appointment, which passed unanimously.

Re-appointment by His Honor the Mayor

#61-06 WAYNE KOCH, 64 Geylock Road, West Newton, re-appointed as an ALTERNATE member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office to expire on January 1, 2009 (60 days 4-7-06).

ACTION: APPROVED 8-0

NOTE: Mr. Koch's resume was attached to the agenda. An architect, he fills that position on the district commission. Well known to Ald. Johnson, she moved approval of his re-appointment, which passed unanimously.

Re-appointment by His Honor the Mayor

#62-06 RALPH ABELE, 15 Page Road, Newtonville, re-appointed as an ALTERNATE member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office to expire on January 1, 2009 (60 days 4-7-06).

ACTION: APPROVED 8-0

NOTE: Mr. Abele was one of the leaders in the effort to establish a district. He serves as an alternate resident member. He is pleased with the commission's progress so far and with the design of the new identification signs that define the district, although they might need to be re-positioned for better visibility. Ald. Johnson moved approval, which passed 8-0.

#511-03 ALD. SANGIOLO requesting that Section 22-44, Demolition of historically significant buildings or structures., be amended to require applicants for demolition

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permits to submit proposed plans to and receive from the Historical Commission approval of plans for the new structure prior to receiving permission to demolish an historic structure.

ACTION: NO ACTION NECESSARY 8-0

NOTE: Ald. Sangiolo no longer feels that this item is the best way to ensure neighbors learn of buildings proposed for demolition and the future plans for sites. Most times, the Historical Commission issues a demolition delay until acceptable plans for the site are submitted for review. She moved No Action Necessary, with which the committee gratefully concurred.

#432-01 ALD. SANGIOLO proposing to add a definition for “recreational facilities” to Sec. 30-1.

ACTION: NO ACTION NECESSARY 8-0

NOTE: Ald. Sangiolo noted that although a public hearing had been held sometime ago on this item, she was not interested in pursuing it at this time and graciously agreed that it might be voted no action necessary.

#309-05 ZONING & PLANNING COMMITTEE requesting a report from the Director of Planning & Development on the status of staffing of Historical District Commissions.

ACTION: HELD 8-0

NOTE: Ald. Baker asked Mr. Kruse if he would be able to maintain the half-time historic preservation planner, paid by surplus FY06 funds, who is assisting Ms. Kritzer. Mr. Kruse said that these funds run out on June 30 and that he has been told to cut 5% in his proposed FY07 budget. If the committee urges him to retain this position, he will have to cut elsewhere to make the 5% reduction mandated by the administration. The committee approved a resolution to the Mayor asking him to provide adequate funding to administer the department’s regulatory functions, among which are the demolition delay ordinance and the historic districts.

#309-05(2) ZONING & PLANNING COMMITTEE offering a RESOLUTION to His Honor the Mayor urging the administration to provide adequate funding in the Planning Department FY07 budget to administer the historic and other regulatory functions of the department.

ACTION: APPROVED 8-0

#194-05 ALD. YATES proposing that Section 22-40(d) of the City of Newton Ordinances be amended to give the Newton Historical Society seats on the Historic District Commissions in place of the Newton Historical Commission.

ACTION: HELD 8-0

NOTE: There was extensive discussion of this item with Mr. Rodman. He felt that the best modification would be to eliminate the requirement that Historical Commission members only serve as full member on the Historical Commission and as alternates on the district commissions.

Alternate members of the Historical Commission may have more free time to be active on a district commission. On at least one district commission, the alternate member on the Historical

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Commission serves full time and the full member rarely attends. (Mr. Rodman had also admitted that he too serves primarily as an on-call member to fill a quorum for the Chestnut Hill District Commission.) He noted that Larry Bauer, a long-time member of the commission, is now an alternate, but he still is available for advice and is perhaps in Mr. Rodman's opinion the most valuable member of the Public Buildings Preservation Task Force. Mr. Bauer also remains available to serve as an alternate on any district commission.

Mr. Rodman approves substituting a second Historical Commission member with a member of the Historical Society. Ald. Johnson asked if a basic membership showed much commitment to or knowledge of Newton's history or historic preservation in general. Ald. Danberg, a member of the Historical Society, explained that there are approximately 50 Historical Society members, including trustees, advisory board members, etc. Ald. Johnson urged that the Historical Society nominees be limited to those with demonstrated knowledge. The Chairman hopes to give the Mayor more flexibility in appointees by possibly including members of preservation organizations such as *Preservation Mass, Historic New England, and National Trust for Historic Preservation*. Pending further information, the item was held 8-0.

#217-00 ALD. YATES requesting that Chapter 30 be amended to require a special permit for the demolition of a structure aged 100 years or more containing one or more residential units in any residential district.

ACTION: HELD 8-0

NOTE: This item was held without discussion, although some members expressed interest.

#312-05 ALD. HESS-MAHAN & DANBERG proposing that §22-44 be amended to exempt portions of buildings less than 50 years old from the procedure set forth in § 22-44(c).

ACTION: HELD 8-0

NOTE: The two sponsors introduced this item at the suggestion of Historical Commission Chairman John Rodman who feels that too many items submitted for demolition review are newer, non-historic additions to older homes ultimately approved as a matter of course by the Historical Commission, for example a detached garage. Nonetheless, they clog the agenda and cause owners delay and time for obviously non-historic portions of structures. Ald. Baker suggested that only portions of buildings for which building permits issued have been in the past fifty years be eligible. Mr. Kruse and Ms. Kritzer questioned how and who would make the determination without time-consuming research by their department. Ald. Baker's suggestion intends to exempt only portions for which the owner could provide clear proof of the issuance of a building permit.

Ald. Lappin raised the question of how to define "a portion." She noted that demolition of a large addition, particularly if in historic accord with the rest of the building, might well have unintended consequences to the appearance of the site. Ms. Kritzer and Assistant City Solicitor Marie Lawlor will review other demolition delay ordinances and seek guidance from Christopher Skelly of the Massachusetts Historic Commission.

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The item was held with the hope that a draft ordinance will be available for late February.

#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: The concern raised by Ald. Gentile is similar to that raised by the sponsors of #312-05. Ald. Gentile is not wedded to one hundred year but hopes for some way to reduce the number of property owners before the Historical Commission for review of obvious non-historic properties. The committee held the item, and the Chairman intends to discuss it with #312-05.

#153-04 ALD. SANGIOLO proposing that Sec. 22-93, designation of Landmark, be amended by adding a provision to notify the property owner when the proposal for land marking is initially filed.

ACTION: HELD 8-0

#128-00(3) ZONING & PLANNING COMMITTEE requesting that the Planning, Law and Inspectional Services Departments develop an effective way to prevent in the historic districts the construction of structures that do not require building permits but nonetheless have impact on the historic character of the districts.

ACTION: HELD 8-0

#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.

ACTION: HELD 8-0

NOTE: This item was discussion briefly last year. Copies of the draft legislation, dated December 2004, prepared by Christopher Skelly of the Massachusetts Historical Commission were distributed. The proposed amendments have not yet been submitted to the General Court. Ms. Skelly is still seeking comments from municipalities. Members were asked to review the draft and comment. Ms. Kritzer was asked to remind the district commission members of the pending amendments and solicit their comments. A copy of the draft is attached.

#10-06 ALD. JOHNSON, DANBERG, SANGIOLO, BAKER, & HESS-MAHAN requesting the adoption of legislation to enable the establishment of neighborhood conservation districts in the City of Newton.

ACTION: HELD 8-0

NOTE: Ald. Johnson said this item was partially a response to the concerns about the Morseland Avenue neighborhood, but Dover amendment protections for religious and educational uses might well override regulations like a neighborhood conservation district established under general municipal police powers. However, she feels her own neighborhood is coming under increased

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development pressure leading to demolition of existing modest-sized homes and their replacement by out-of scale expensive homes. She wishes to schedule a walking tour of her neighborhood in the better weather. The item was held.

Respectfully submitted,

Brian Yates, Chairman