

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, FEBRUARY 27, 2006

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

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

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: APPROVED 5-0 (Ald. Sangiolo and Danberg not voting)

NOTE: Recruited by then neighbor Ann Smith, one of the founders of the district commission, Ms. Winer has served on the commission since 1996. Ms. Winer feels that as a realtor she brings a different perhaps more practical perspective to the commission. She has sold several homes in the Auburndale Historic District, one of which marketed and unsold prior to the formation of the district as a tear down has since the formation of the district has been sold and now will be restored. Eventually, she would like to serve as a full member, but she still as an alternate attends many meetings. Thanking Ms. Winer, Alderman Baker moved approval of her re-appointment, which motion passed unanimously.

#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: APPROVED AS AMENDED 7-0

NOTE: Alderman Yates filed this item because it seemed that the creation of four historic districts has put an undue burden on members of the Historical Commission due to the ordinance creating the first district commission and mirrored in the establishment of subsequent districts and commissions. (See attached excerpts from chapter 22 re membership and memorandum from Marie Lawlor.) The Historical Commission is supposed to have two full members and two alternate members on each district commission. In addition, full Historical Commission members can only serve as full district commission members and alternate members can only serve as alternate district commission members. This combination of provisions has resulted in two district commissions lacking a second Historical Commission member and alternates. On other commissions, full members serve only as backup quorum fillers while alternate members serve virtually full time with no chance of becoming full members.

Upon examination of G.L. chapter 40C, it was determined that these restrictions are largely self-imposed. Members are supposed to be from the local historical "society," unless otherwise

recommended. Alternates can be from any sector. Ald. Yates therefore suggested that the ordinance be revised to include one member rather than two from nominees from the Historical Commission and to include one member suggested by the Newton Historical Society. Ald. Danberg said that based on her experience the Historical Society would do well in this role. All restrictions on alternate members will be removed as well. After noting that the item had been submitted to all district commissions, as required by chapter 40C, the committee voted unanimously to approve the item as amended. Draft ordinance attached.

#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 7-0

NOTE: Ald. Hess-Mahan had urged strongly that other forms of proof besides a building permit be acceptable to document the prior existence of an addition proposed for demolition. (See attached memorandum.) The committee agreed. Most members felt the item would simply exempt owners of eligible properties from unnecessary reviews that do not save historic resources. Ald. Yates raised the specter of unforeseen consequences of this item. Ald. Danberg acknowledged that the Historical Commission had discussed the item at its last meeting and members had expressed some concern about its results should it be approved. In addition, passage of the item would place the decision-making in the Inspectional Services Department. The Planning Director expressed support for the item, but the Commissioner of Inspectional Services has not had the opportunity to comment. Ald. Danberg moved holding the item until the Law Department completed a draft ordinance and comments on the draft from the Historical Commission and Inspectional Services are received. The item was held.

#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 7-0

NOTE: Ald. Gentile originally filed this item to begin a discussion of means to avoid dragging property owners to city hall for essentially pro forma hearings before the Historical Commission on obviously non-historic secondary buildings or additions. Though the hearings themselves are straightforward, the notices clog the commission's agenda and property owners can be stuck waiting for hours behind time-consuming hearings and discussions on more historic properties. Although Ald. Gentile recognizes that pushing the threshold period back to 100 years is probably not a realistic solution, it seemed appropriate to hold this item until some progress has been made on reducing the number of unnecessary full commission demolition reviews of properties that are obviously non-historic.

The committee adjourned at approximately 8:45 PM.

Respectfully submitted,
Brian Yates, Chairman

