

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, APRIL 10, 2006

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

City staff: Juris Alksnitis (Chief Zoning Code Official), Mike Kruse (Director of Planning & Development), Linda Finucane (Clerk)

Appointment by His Honor the Mayor

#125-06 ALFRED WOJCIECHOWSKI, 43 Halcyon Road, Newton Centre, appointed as an ALTERNATE member of the HISTORICAL COMMISSION for a term to expire January 1, 2009 (60 days 5-5-06).

ACTION: APPROVED 4-0 (Baker, Burg, Sangiolo, Danberg not voting)

NOTE: Mr. Wojciechowski is an architect. He has never served on a board or commission, but has appeared professionally before many in various municipalities. He was actively involved in the Main Street Program in Roslindale Square in Boston (a program long promoted by Alderman Yates who thinks it would be appropriate for Newton Centre). Mr. Wojciechowski looks forward to facilitating the blending of historic and contemporary elements. Upon a motion by Alderman Burg, Mr. Wojciechowski's appointment was approved 4-0.

Appointment by His Honor the Mayor

#126-06 DAVID MORTON, 148 Edinboro Street, Newtonville, appointed as a REGULAR member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2009 (60 days 5-5-06).

ACTION: APPROVED 6-0 (Baker not voting)

Since he had been before the committee in late 2005 for his appointment to the Historical Commission, Mr. Morton was not invited to the meeting. (This appointment to the Newtonville District Commission is because of his Historical Commission seat.) Alderman Sangiolo moved approval of Mr. Morton's appointment, which passed 6-0. However, when President Baker returned to the meeting with the Rules & Orders of the Board, he pointed out that new appointees are required to meet with committees. Committee members agreed to act on Alderman Sangiolo's motion to approve Mr. Morton's appointment subject to a suspension of the rules at the full board meeting.

#133-06 ALD. YATES requesting the Massachusetts Water Resources Authority postpone closing the historic Echo Bridge promenade from Newton to the Needham, and develop an alternative that will allow safe continued access to crossing of the river.

ACTION: NO ACTION NECESSARY 7-0

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NOTE: Since the bridge has remained open, spared at the last minute, and Alderman Yates has a related item to address long-term repairs, this item was voted no action necessary.

#49-06      NEWTON FARM COMMISSION requesting that §30-6(k) of the City of Newton Zoning Ordinance, 2001, be amended by adding “farm stands” to the list of temporary licenses requiring approval by the Board of Aldermen and by adding to the list of exemptions, “community farm,” for which approval shall be given by the Farm Commission. **(Public Hearing 3/14/06; 90 days 6/2/06)**

ACTION:      APPROVED 7-0

NOTE: : The proposed amendment will make consistent the language in Ordinance X-148, which established the Farm Commission, and §30-6(k), which allows the Board of Aldermen to grant temporary licenses for farmers’ markets, fairs, etc. on land not under control of a specific city agency such as Parks & Recreation, Conservation, or the School Department. It will allow the Farm Commission to grant its own temporary licenses by adding ‘farm stands’ to the list of available temporary licenses and by adding “community farm” to the list of properties exempted from licensing by the Board of Aldermen, and by adding “Farm Commission” to the list of agencies designated to grant temporary licenses. It is simply a matter of clarification suggested by both the Planning and Law Departments. Mr. Alksnitis noted the Planning Board’s approval. Alderman Lappin moved approval, which carried unanimously. A draft ordinance is attached.

#102-06      KESSELER DEVELOPMENT, LLC proposing to amend to Section 30-15, DENSITY & DIMENSIONAL CONTROLS IN RESIDENTIAL DISTRICTS AND FOR RESIDENTIAL USES, by inserting in Table 1 the following new footnote 9 as follows:  
(9) allow by special permit in a Multi-Residence 3 District a multi-family dwelling structure to have a maximum building height of 48 feet and a maximum number of stories of 4, provided that there is a minimum lot size of 10 acres, the distance from the street to such multi-family dwelling structure is no less than 150 feet and the distance between such structure and abutting properties is no less than 75 feet.  
**(Public Hearing 3/14/06; 90 days 6/2/06)**

ACTION:      APPROVED 4-2-1 (Baker, Lappin, Danberg, Sangiolo voting in the affirmative; Burg and Weisbuch opposed; Yates abstaining)

NOTE: The Planning Department suggested that the item be amended to make the dimensional controls similar to those in the Multi Residence 4 District (MR4). (The only actual use of this district is the site of the Chestnut Hill Towers.)The suggested changes were to reduce the minimum lot size of the proposed special permit to three acres from ten and to include 50-foot setbacks in addition to the building location requirements proposed in the item to match the MR 4 dimensions and to keep parking lots and other non-building coverage further from the lot lines. Neither of these changes would make a difference in the possibility of the petitioner’s proposed project .No parcels in the city other than the Kessler Woods site are vacant and zoned Multi Residence 3 (MR3) so neither version of the footnote would have any immediate impact. Alderman Yates said that the checkered history of the MR 4 zone made it inappropriate to slavishly follow its dimensions on new sites. He fears golf courses could be re-zoned to the MR3 District with the proposed three-acre

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controls for an enormous increase in value that might make it tempting to one of the golf courses in a weak financial moment to sell their land to some person interested in trying to re-zone it to MR 3 and carve it up into 3 acre lots that could be developed at this new proposed density. Mr. Kruse pointed out that this is a footnote. A special permit and or/re-zoning is required and the Board could deny such re-zonings and special permits. In straw votes, the Committee chose 5 to 2 (Weisbuch and Berg opposed to potentially limiting the use of the golf courses for large developments that could include affordable housing.) to go with the ten-acre provision of the original item and to add the fifty-foot setbacks proposed by the Planning Department. The item as amended passed 5-2 (Weisbuch, Berg)-1 (Yates). Alderman Yates abstained because of concern that the amendment exceeded the hearing notice. (Associate City Solicitor Ouida Young subsequently assured him that the change was a close call but since the petitioner was present and did not object to the additional restriction, passage of the amended item. A draft ordinance is attached.

All other items were held without discussion and the committee adjourned at approximately 9:20 PM.

Respectfully submitted,

Brian Yates, Chairman