

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY, APRIL 24, 2006

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

Also present: Ald. Hess-Mahan and Gentile

City staff: Juris Alksnitis (Chief Zoning Code Official), Linda Finucane (Clerk), Lara Kritzer (Preservation Planner), Marie Lawlor (Assistant City Solicitor), Nancy Radzevich (Chief Planner)

#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 5-0-1 (Danberg abstaining; Sangiolo not voting)

NOTE: John Rodman, Chair of the Newton Historical Commission, explained why he had changed his mind about this item after originally suggesting it to Aldermen Danberg and Hess-Mahan and now recommended against it because it would take discretionary power away from the Historical Commission and its staff and put it in the hands of ISD staff who seem untrained and inexperienced in many decisions of this sort. Alderman Hess-Mahan expounded at some length on how he had avoided the demolition delay process for the demolition and replacement of the modern and ill-designed porches on his home and on his own extensive advocacy, probably beyond the capacities of average homeowners on their own and said that he was familiar with several other cases wherein other homeowners had been forced through the process for the removal of offensive additions for no obvious historical benefit. (Alderman Berg said that her two additions to her ordinary but older house had been similar to what Alderman Hess-Mahan described.) Alderman Hess-Mahan said the problem is really that historic preservation also is used as an urban design tool and that the two functions conflicted in a way that led to undue burdens for homeowners and Commission alike. In response to a question about the standards of proof for a new addition coming after the review deadline, he produced a lengthy amendment modeled on the standards of the accessory apartment ordinance. After a discussion of the standards in which the Historical Commission Chair and staff expressed sympathy for his ends while disputing his means, he began to state that perhaps tweaking the ordinance in this manner was not productive and perhaps a more substantial change along the lines of the next item was in order. The Committee held the item.

#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 4-0-1 (Weisbuch abstaining; Danberg and Sangiolo not voting)

NOTE: Alderman Gentile explained that this item was filed because of his perception that far too many recent buildings of no historical or architectural value are being forced to go before the

Commission for no good reason. The owners might wait for hours for a five-minute discussion that results in a no historic significance finding. The overload of applications is detrimental to staff, Commission members and homeowners alike. He admitted that pushing the deadline back to 100 years might leave too many properties with historic value unprotected, but a compromise of 75 years like several other communities in the Commonwealth would put the deadline in approximately the same date as had been the case when the fifty year deadline was established to match the eligibility for the National Register of Historic Sites twenty years ago. Alderman Johnson said that such a push back would remove some more recent neighborhoods like her own and Oak Hill Park from any review. It was suggested that perhaps her suggestion of a Neighborhood Conservation District could fill the gap. Mr. Rodman and Ms. Kritzer objected further. Alderman Johnson pointed out that several surveys of historic properties had been made and might be a good basis for a more limited listing than the current fifty-year deadline. At least one of the surveys covered more recent properties and would be the basis for an easy review of these properties. The Committee ultimately agreed to hold this item 6-0 and allow the Historical Commission to prepare an amended ordinance that would follow the time-saving procedures that the Commission had adopted and reduce the number of properties subject to review without leaving properties of historic value unprotected .

#134-06      ALD. YATES transmitting the request of John Rodman, Chairman of the Historical Commission, that the Demolition Delay ordinance be amended to render demolition permits invalid if not exercised within a year of the of the day when a demolition delay expires and require future demolitions to repeat the process

ACTION:      APPROVED AS AMENDED 6-0 (Sangiolo not voting)

NOTE: This item is based on the Historical Commission's observations that some property owners come in for a demolition permit, let a delay run out, and then do nothing to the property. (Some do this just to make the property more saleable.) Some of these properties come in for demolition with a different plan years later and often a different owner. This item would require a new demolition application starting one year after a demolition delay has run out. Alderman Baker suggested that two years would be more reasonable. After some discussion, the Committee agreed and voted unanimously to approve the item with that amendment. See draft ordinance, under separate cover.

#194-05(2)      NEWTON HISTORICAL COMMISSION requesting that §22-40(d)(2), most recently amended by Ordinance X-197 dated March 20, 2006, be further amended to allow either regular or alternate members of the Historical Commission to fill positions on local historic district commissions.

ACTION:      APPROVED 6-0 (Sangiolo not voting)

NOTE: Under the new ordinance, full Historical Commission members can only be full District Commission member and alternates only alternate seats on the district Commissions. In practice, some of the overburdened full Historical Commission members only accept nominal appointment to District Commissions. Less burdened Alternate Historical Commission members are actually more

active members of the District Commissions than some of the full members. This amendment would allow the active Historical Commission Alternates to be full members of District Commissions while the Historical Commission members could be appointed as alternates in a role that would match the amount of time they have available for the District Commissions. A draft ordinance is attached.

All other items were held without discussion and the meeting was adjourned at approximately 9:30 PM. Please note that Alderman Sangiolo was in Traffic Council.

Respectfully submitted,

Brian Yates, Chair