

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY, JUNE 12, 2006

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

Also present: Ald. Hess-Mahan

Planning Board members: Carol Beard, Christian Dame, Joyce Moss, Mary Jo Peterson, Lorraine Salvucci, and Scott Wolf

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

A Public Hearing opened and closed on the following item:

#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.

(1st Public Hearing 3/14/06; 90 days 6/12/06

Zoning & Planning approved on 4/10/06 w/the addition of MR 4 setbacks 4-2-1 (Baker, Lappin, Danberg, Sangiolo voting in the affirmative; Burg and Weisbuch opposed; Yates abstaining)

Item recommitted by the Full Board on 4/18/06)

ACTION: HELD 4-1 (Burg) for 6/26/06

NOTE: At the public hearing, Attorney Bud Shadrawy representing Kessler Development said that his client had no preference between the two advertised versions (attached), but that one or the other was necessary to make the proposed Kessler Woods development possible. Attorney Bill Shaevel representing the Friends of Sawmill Brook (the Brookline neighbors of the site) opposed both as bad planning, but said that if either was to pass, the 175 foot building separation should be replaced with a 200 foot side and rear setback. The Planning and Development Board recommended of the second version with the 3-acre lot size as had the Planning Department in its memorandum.

Mr. Kruse explained that the 3-acre limit would follow the example of the current Multi-Residence 4 district. Alderman Yates said that he was very much aware of the sordid history of the MR 4 District and the development of the Chestnut Hill Towers; he did not want it used as an example for anything, particularly one that would drive up the potential value of large, single parcels like the

golf courses. Mr. Kruse responded that the number of units would still be limited by the lot area per unit requirement in the Ordinance that would not allow any more units on a three-acre parcel than one ten-acre parcel. Alderman Yates expressed disbelief that such a nonsensical outcome could stand up to developer pressure in the future. Mr. Alksnitis pointed out that special permits and rezoning would be necessary. Alderman Yates scoffed at the protective strength of these measures as well.

After more speculation, Alderman Berg moved approval of the second alternative, the one with a 3-acre minimum lot size, and the removal of the other dimensional controls proposed by the sponsor and their replacement by the fifty-foot setbacks, consistent with the existing setback requirements of the zoning ordinance. Mr. Shadrawy was neutral. Mr. Shaevel was opposed since this would allow even more intense development closer to his clients. This motion failed two in favor (Berg, Lappin), two opposed (Sangiolo, Yates), and one abstaining ((Danberg). {Ouida Young ruled the next day that the motion was too much of an amendment to the alternative advertised and would require a rehearing.}

After the Committee reached a deadlock and it became known that the Kessler Woods map rezoning and special permit would not be before the Board on June 19, the Committee voted to hold the item until the next Committee meeting.

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#229-06 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$48,987 from Budget Reserve for the purpose of supplementing the Inspectional Services

ACTION: APPROVED 5-0

NOTE: Mr. Kruse explained that part of this ISD money had been used for a part-time preservation planner in his department. It would now be repaid along with shortfalls from the ISD Personnel accounts. The planner has left for a fulltime job. His replacement will be sought, but it will be difficult to find someone willing to work at a part-time job. The entire transaction as explained in the attached letter was approved unanimously.

All other items were held without discussion and the meeting was adjourned at approximately 9:45 PM.

Respectfully submitted,

Brian Yates, Chairman