

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

THURSDAY, JULY 20, 2006

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

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

#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:

- (1) (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; and the front, side and rear setbacks for the lot are 50 feet from the lot line.
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 Full Board on 4/18/06) 2nd Public Hearing on 6/12/06; 90 days 9/10.
- (2) (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 **3** acres, the distance from any street(s) abutting the lot 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; and the front, side and rear setbacks for the lot are 50 feet from the lot line.

ACTION: APPROVED 4-1 (Ald. Burg opposed; Ald. Johnson not voting) DRAFT ORDINANCE ATTACHED

NOTE: This item was talked about last on June 26. At that meeting, the committee agreed it wished to retain the building placement and setbacks, but could it not agree on a minimum lot size. Several motions proposing different minimum lot sizes failed to pass. Since there was no consensus and an extension of time had been granted in which to act on the pending special permit, the item was held.

Tonight, the abutters from Brookline offered an alternative text (attached); however, the Chairman with Assistant City Solicitor Marie Lawlor's concurrence advised them that the committee could

not consider the text because it differed from the legal notice and it was not what the petitioner had submitted as part of its proposed development.

Although at Alderman Baker's request a draft prepared by the Law Department inserted 5 acres as the minimum lot size, Alderman Baker moved approval of option (1), the original proposal, with the addition of setbacks, as approved in committee on April 10, 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; and the front, side and rear setbacks for the lot are 50 feet from the lot line.

The motion to approve option (1) carried 4-1, with Alderman Burg opposed.

#133-06(2) ALD. YATES requesting a RESOLUTION to the Commonwealth of Massachusetts that funds provided in the Transportation Bond Bill of 2004 be used to replace the historic railings on the top of Echo Bridge.

ACTION: NO ACTION NECESSARY 6-0

NOTE: \$250,000 to fix Echo Bridge was included in the Fiscal Year 2007 State Budget thanks to the efforts of Rep. Ruth Balsler, Lida Harkins and Alice Peisch, and Senators Cynthia Creem and Scott Brown, but it vetoed by the Governor. If the item is taken up by the legislature, the veto is expected to be overridden. No action by the Board is necessary and the Committee so voted.

REFERRED TO ZONING & PLANNING AND PUBLIC FACILITIES COMMITTEES

#127-06 ALD. YATES requesting a RESOLUTION to His Honor the Mayor to authorize the HISTORICAL COMMISSION to submit applications to the Mass Historic Commission and the National Park Services to place the Crafts Street stables on the National Register of Historic Sites.

ACTION: NO ACTION NECESSARY 6-0

NOTE: The long dormant but never submitted application to the Mass Historic Commission was submitted after this item was filed. Therefore, no action is necessary.

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

ACTION: NO ACTION NECESSARY 6-0

NOTE: Mr. Kruse explained that the half-time planner paid with excess Inspectional Services Department funds in Fiscal Year 2006 has left the city for a full-time job. Funds to continue the position were included in the Fiscal Year 2007 budget and a person with a full-time job seeking a part-time job has been hired. This report satisfied all members present. Therefore, they voted no action necessary unanimously.

#304-01 ALD. SANGIOLO proposing an ordinance that would detail what percentage of new building or additions would trigger a special permit in residential districts.
ACTION: NO ACTION NECESSARY 6-0

#294-03 ALD. BAKER, YATES, JOHNSON AND MANSFIELD requesting analysis and discussion of possible remedies for demolition of modest housing and replacement with oversized structures out of character with the surrounding neighborhood, including examining the experience of other communities, including those out of state, who have worked to address this problem.
ACTION: Alderman Johnson moved No Action Necessary, which carried 6-0.

#311-02 ALD. JOHNSON & SANGIOLO requesting that Section 30-23 be amended by including design guidelines to address aesthetic impacts that renovation or new construction have on the surrounding environment.

ACTION: NO ACTION NECESSARY 5-0 (Baker not voting)

NOTE: Alderman Johnson moved No Action Necessary on this item because the types of design guidelines she and Ald. Sangiolo are seeking will be developed as part of the Neighborhood Conservation Districts. The Committee agreed unanimously.

#128-02 ALD. JOHNSON & LINSKY requesting a discussion regarding protection of residential areas abutting Business and Manufacturing districts, e.g., required screening.

ACTION: NO ACTION NECESSARY 5-0 (Baker not voting)

#373-01 ALD. SANGIOLO proposing an ordinance requiring setbacks for athletic fields and structures occupying athletic fields from abutting residential properties.

ACTION: NO ACTION NECESSARY 5-0 (Baker not voting)

NOTE: Alderman Sangiolo regretfully moved No Action Necessary on this item because she has been convinced that such fields and structures would be exempt from zoning controls under the Dover Amendment. The Committee agreed 5-0.

#372-01 ALD. SANGIOLO proposing that the requirement for a special permit for a grade change of more than 3 feet be moved from Section 30-5 to 30-15.

ACTION: NO ACTION NECESSARY 5-0 (Baker not voting)

NOTE: This topic is under consideration by the Zoning Task Force which is expected to file a report on it soon. Therefore, Alderman Sangiolo urged that it be voted No Action Necessary. Her motion carried unanimously.

#340-05 ALD. YATES requesting a report from the Commissioner of Inspectional Services on what provisions of the zoning ordinance are most difficult to implement because of lack of clarity or other reasons.

ACTION: NO ACTION NECESSARY 5-0 (Baker not voting)

NOTE: The Commissioner has submitted such a report. It is now before the Zoning Task Force; therefore, it could reasonably be voted No Action Necessary.

ITEMS SCHEDULED FOR SEPTEMBER 11:

#194-06 NEWTON HISTORICAL COMMISSION recommending that the Demolition Delay Ordinance, Section 22-44, be amended in an effort to:

- Reflect actual administrative practices vs. those specified in the current ordinance,
- Reduce the number of non-historic properties or building elements that the Commission reviews, while re-enforcing the intent of the original ordinance, which is to protect and enhance historically and architecturally significant properties, that are not otherwise protected through local historic districts and local landmark designation, through the creation of additional criteria, beyond just age of the building, based on the Commission's and staff's experiences over the past few years and through the use of building surveys, etc., and
- Help reduce ambiguities in the ordinance, such that both staff and members of the public have a better understanding of the types of structures and/or elements of structures that would fall under the purview of the Commission.

#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).

#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.

#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 landmarking is initially filed.