

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY, SEPTEMBER 11, 2006

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

City staff: Michael Kruse (Director of Planning & Development), Lara Kritzer (Preservation Planner), Katie Holmes (Preservation Planner), Linda Finucane (Chief Committee Clerk)

Re-appointment by His Honor the Mayor

#313-06 BROOKE K. LIPSITT, 36 Billings Park, Newton re-appointed as an *Associate* member of the ZONING BOARD OF APPEALS for a term of office to expire September 30, 2007 (60-days 11-04-06).

ACTION: APPROVED 5-0-3 (Johnson, Sangiolo, Weisbuch abstaining)

NOTE: Long time Alderman and Land Use Committee member and former Board President Lipsitt is well known to the Committee members. However, she was unavailable to attend the meeting or provide paper documentation of her background because she was out of the country on vacation. Aldermen Johnson, Sangiolo, and Weisbuch felt that she should be treated similarly to any other candidate without presence or paperwork and abstained pending the submission of such documentation. The majority of the Committee voted 5-0-3 to approve the re-nomination. (Her resume is attached to the report.)

Re-appointment by His Honor the Mayor

#314-06 HARVEY CREEM, 110 Huntington Road, Newton re-appointed as an *Associate* member of the ZONING BOARD OF APPEALS for a term of office to expire September 30, 2007 (60 days 11-4-06).

ACTION: APPROVED 8-0

NOTE: Mr. Creem's resume was distributed with the Committee agenda, and therefore all members were comfortable voting approval of his re-appointment.

Appointment by His Honor the Mayor

#315-06 MARK ARMSTRONG, 61 Vaughn Avenue, Newton Highlands appointed as the *alternate architect* member of the AUBURNDALE HISTORIC DISTRICT COMMISSION for a term of office to expire on June 30, 2009 (60 days 11-4-06).

ACTION: APPROVED 7-0-1 (Sangiolo abstaining)

NOTE: Mr. Armstrong's resume was distributed with the agenda, and Aldermen Johnson, Baker, and Weisbuch questioned him while the other Committee members were at the joint meeting of the Community Preservation and Finance Committees. Alderman Sangiolo abstained because of her keen interest in the Commission and lack of firsthand knowledge of Mr. Armstrong. The other Committee members voted in favor of his appointment.

#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.

ACTION:      HELD 7-0 (Sangiolo not voting)

NOTE: The Planning Department had only partial draft language of the proposed changes. A detailed copy of the current demolition delay ordinance will be provided at a future meeting to show the proposed changes. After some discussion of the philosophy behind the proposed changes, the Committee voted to hold the item until a meeting in October.

#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:      NO ACTION NECESSARY 8-0

NOTE: Alderman Hess-Mahan said that although he feels philosophically that no newer additions to older historic structures should be regulated at all, he recognizes that the Historical Commission's suggestions are an honest attempt to reduce the number of property owners forced to undergo pointless reviews. If the item is voted No Action Necessary by the Committee, he will vote against the report on the floor but not oppose it in any other way as a matter of practicality. Alderman Danberg said that the Historic Commission has obviously made a serious effort to address her concerns. She will vote No Action Necessary in the expectation that a version of the Historical recommendations will pass in the near future.

The Committee voted unanimously to report the item No Action Necessary, but thanked the sponsors for helping raise the issues.

#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 8-0

Since Alderman Gentile was not present to hear the discussion of the Historic Commission item and decide if his concerns were sufficiently addressed, the Committee voted unanimously to hold the item for final action in October when the Historic Commission item is acted on.

#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 land marking is initially filed.

ACTION      APPROVED 8-0

NOTE: Everyone agreed that basic fairness required that property owners be notified as early as possible of the nomination of their properties for land marking. Alderman Lappin felt based on her observation of a case in her Ward 8 that new property owners of a possibly historic property should be notified of the possibility of land marking. This concern can be addressed by the distribution of land marking information at the ISD Customer Service Desk.

The Committee voted 8-0 to approve the language suggested in the Planning Department memo. The draft ordinance is attached.

There was some sentiment to approve the other two changes to the Landmark Ordinance suggested by the Historic Commission. The Chairman agreed that the items had merit but that they were distinct from #153-04 and should be docketed separately with the Commission as the Sponsor.

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

Respectfully submitted,

Brian Yates  
Chairman