

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY, NOVEMBER 13, 2006

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

City staff: Michael Kruse (Director of Planning & Development), Gayle Smalley (Associate City Solicitor), Marie Lawlor (Assistant City Solicitor), and Linda Finucane (Chief Committee Clerk)

Re-appointment by His Honor the Mayor

#334-06 LAURIE MALCOM, 858 Walnut Street, Newton Centre, re-appointed as a *Resident* member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire July 1, 2009 (60 days 12-2-06).

ACTION: HELD 6-0

NOTE: Apparently Ms. Malcolm was originally recruited to serve as a resident member by her then neighbor Paul O'Shaughnessy as he was vacating that slot and moving to Lexington. Subsequently, Ms. Malcolm was recruited to be appointed as a realtor member of the Commission. However, since she was not present and her resume did not describe her status as a realtor, the Committee held her re-appointment pending an explanation.

Re-appointment by His Honor the Mayor

#364-06 JOHN RODMAN, 40 Avondale Road, Newton Centre, re-appointed as the *regular Newton Historical Commission* member of the AUBURNDALE HISTORIC DISTRICT COMMISSION for a term to expire June 30, 2009 (60 days 1/5/07).

ACTION: APPROVED 6-0

NOTE: Mr. Rodman is an extremely active protector of the city's historic resources, serving on the Newton Historic Commission and on the Chestnut Hill and Auburndale Historic District Commissions. Alderman Baker had previously expressed concern about Mr. Rodman's ability to maintain this pace, but Mr. Rodman assured the Committee that it had not and would not be a problem. The Committee thanked him for his extreme willingness to serve and voted 6-0 to confirm his re-appointment. He stayed for the demolition delay item and participated actively in the discussion.

REFERRED TO ZONING & PLANNING & PROGRAMS & SERVICES COMMITTEES

#265-04(2) HIS HONOR THE MAYOR requesting that Home Rule Legislation approved by the Board of Aldermen on June 1, 2004 to amend statutes governing the Newton Community Development Authority (NCDA) and the Newton Housing Authority (NHA) re the acquisition of affordable housing by the NCDA and to update the enabling acts reflecting more accurately the current operations of both the NCDA and the NHA, be upon the suggestion of the Senate Counsel's office further amended

and re-voted by the Board of Aldermen for re-filing in December 2006 for the new legislative session.

ACTION: APPROVED 6-0

NOTE: This item is a re-file of a Home Rule petition voted by the Board for submittal to the General Court for submission two years ago. Instead of the usual course of referral to Committee, action in one House followed by action in the other, this item had somehow been seized by the Senate Council's office and languished there for the whole legislative term. Associate City Solicitor Gayle Smalley explained the substance of the suggested changes recommended by the Counsel's office. They seemed minor but acceptable improvements. Jonathan Hacker of the Newton Housing Authority had expressed concern about the NHA's ongoing ability to manage future construction projects and asked that the provision concerning it be made discretionary on the Authority's part. Mr. Kruse and Ms. Smalley both expressed surprise at this change in the NHA's position. Since the petition must also be approved by the Programs and Services Committee that oversees the NHA and all Home Rule Petition, the Committee voted 6-0 to approve it subject to such changes as PMS should make to reflect this concern. Alderman Sangiolo will convey those concerns to the Committee. Mr. Kruse and Ms. Smalley will work with the NHA Director to settle them before the Committee's meeting on this topic. Alderman Yates urged that all possible steps be taken to get the item through the regular legislative process in a timely manner. "I don't want to see this item back before the Committee next term."

#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 6-0

NOTE: The Preservation Planner and Commissioners gave an extensive explanation of the amendments. Most seemed fine to all members except one provision concerning the amount of time the Commission and its staff would have to make a determination of historic significance. Alderman Yates, despite his self-description as a "preservation junkie", felt that the two separate findings and timetables were confusing. Most of the members felt that the items made sense in

context in the full ordinance. Alderman Weisbuch shared some of Alderman Yates' feelings about the item. Alderman Yates felt that if the two of them were uncertain, it might indicate difficulty on the floor of the Board for the item. Alderman Sangiolo suggested that a full redline copy of the ordinance clearly showing the full ordinance and the proposed amendments. Alderman Berg moved that the item be held until the next Committee meeting and that such a version be sent out before the meeting. The Committee exhaustedly agreed 6-0.

#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 6-0

NOTE: Alderman Gentile expressed his ongoing concern that the applicability of this ordinance was not reduced from fifty years to a lesser period, perhaps 75 years that would bring the number of covered properties to about the same amount as the original fifty years back from twenty years ago. The Commissioners explained that fifty years was the standard number for such ordinances and that although many more recent and non-historic properties would become eligible for the demolition ordinance, the simplified procedures proposed by the previous item would mean that most of them could be dealt with by a discussion with the preservation planner at the Inspectional Services Counter on the same day they apply for building permits. Nevertheless, Alderman Gentile asked the item be held until the previous item is voted when it could be voted No Action Necessary. The Committee agreed 6-0 and adjourned.

Respectfully submitted,

Brian Yates
Chair