

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY, NOVEMBER 27, 2006

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

City staff: Michael Kruse (Director of Planning & Development), Marie Lawlor (Associate City Solicitor), Lara Kritzer (Preservation Planner) and Linda Finucane (Chief Committee Clerk)

Also present: John Rodman (Chairman Newton Historical Commission)

Re-appointment by His Honor the Mayor

#334-06 LAURIE MALCOM, , 95 Algonquin Road, Chestnut Hill, re-appointed as a *Realtor* member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire July 1, 2009 (60 days 12-2-06).

ACTION: **APPROVED 7-0**

NOTE: Ms. Malcom cleared up the confusion about her residence and profession. She was previously a resident of 51 Pettee Street in the heart of the Newton Upper Falls Historic District for more than six years. She was recruited to serve as the Alternate Realtor Member of the NUFHDC by her neighbor, former Chair Paul O'Shaughnessy. She has been a realtor for more than two years. She feels proud of her work on the Commission and says that the village has maintained its character though it's beginning to become overcrowded. (A point that Alderman Yates strongly agreed with). Alderman Yates asked her to convey to the Commission that one of the key reasons that the closing of Mary Immaculate of Lourdes Church in the heart of the Historic District was reversed according to a spokesman for the Archdiocese was that its historic designation made it virtually unuseable for any non-religious use. Her re-appointment to the Commission was confirmed 7-0.

#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: **APPROVED AS AMENDED 4-2-1 (Lappin and Weisbuch opposed; Sangiolo abstaining)**

NOTE: The Committee reviewed the draft amendments, which were incorporated with the existing text. The amendments did in fact meet the first purpose of the item to codify existing practices versus those specified in the current ordinance. There was sharp disagreement as to whether or not it met the third and second purposes. Several architects who live and practice in Newton expressed concern that the more specific criteria for partial demolition would in fact broaden the reach of the ordinance to a ruinous degree.

Apparently, there is some confusion between the Inspectional Services Department staff and the Historic Preservation Planner on interpretations under the Demolition Delay Ordinance. Some members of the Committee wanted to hold the item until the issues raised by the architects present could be addressed. The architects present offered to work to define specific legislative to the problems they specified. The view that ultimately prevailed in the Committee was that the minimum change of codifying the current practices needed to be accomplished at this time after a great deal of work. Any changes proposed on the other issues raised at the meeting should be considered separately in the future. Ultimately the Committee voted to adopt the draft ordinance as recommended with changes specifying that submitted plans should be for the subject site and proposed use and that removal of 50% of a wall rather than 25% should be considered partial demolition. The vote was Baker, Yates, Danberg, and Johnson in favor; Lappin and Weisbuch opposed, and Sangiolo abstaining. Alderman Yates subsequently filed a new item asking for a comparison of Newton's Ordinance with those of other communities in such provisions as age of eligibility, definition of partial demolition etc.

#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 7-0**

NOTE: This item was referred to in the discussion of the previous item. The architects present suggested that many of the problems with the current demolition ordinance would be mitigated by the inclusion of fewer properties. The Historic Commission had strongly opposed this possibility in the past. The Committee will compile the years involved in other communities demolition delay ordinances before this item comes up again.

#365-06 ALD. YATES requesting the establishment of an education program for realtors concerning properties in historic districts.

ACTION: **HELD**

NOTE: In the interview with Ms. Malcom, Alderman Yates gave her a package of information about courses for realtors concerning historic properties from across the country and said that since issues of the impact of historic designation on real estate values and the fairness of notification of buyers of historic properties have been raised several times in the city, such a course would be valuable. He asked her to explore the possibility of such a course through the local Board of Realtors. She agreed to do so. He will send out the same package to the Realtor and Alternate Realtor members of the four district commissions and the historical commissions with a similar request. The item will not come up again until late spring of 2007. The Committee voted to hold it 7-0.

Re-appointment by His Honor the Mayor

#418-06 RODNEY BARKER, 49 Woodcliff Road, Newton Highlands, re-appointed as the *alternate attorney* member of the AUBURNDALE HISTORIC DISTRICT COMMISSION for a term to expire June 30, 2009 (60 days 1-19-07).

ACTION: **APPROVED 7-0**

Re-appointment by His Honor the Mayor

#419-06 JAMES P. DOOLIN, 104 Fairway Drive, Ward 3, re-appointed as a member of the URBAN DESIGN & BEAUTIFICATION COMMISSION for a term to expire November 30, 2009 (60 days 1-19-07).

ACTION: **APPROVED 7-0**

Re-appointment by His Honor the Mayor

#420-06 RICHARD F. GRIFFIN, 74 Bennington Street, Ward 1, re-appointed as member of the URBAN DESIGN & BEAUTIFICATION COMMISSION for a term to expire November 30, 2009 (60 days 1-19-07).

ACTION: **APPROVED 7-0**

Re-appointment by His Honor the Mayor

#421-06 MICHAEL K. KAUFMAN, 24 Turner Terrace, Ward 2, re-appointed as member of the URBAN DESIGN & BEAUTIFICATION COMMISSION for a term to expire November 30, 2009 (60 days 1-19-07).

ACTION: **APPROVED 7-0**

NOTE: Since resumes of all the above appointees had been sent out, several (including the former Chair of the Committee) were known to several Committee members, and since they were all re-appointments, the Committee voted unanimously to approve them all and then adjourned.

Respectfully submitted,

Brian Yates, Chairman

Attachments:

Revised Demolition Delay Ordinance with approved amendments

E-mails from Historic Preservation List Serve on Historic Preservation Courses for Realtors