

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, APRIL 11, 2005

Present: Ald. Lappin (Vice Chairman), Ald. Danberg, Baker, Johnson, and Lennon  
Absent: Ald. Hess-Mahan, Sangiolo, and Yates  
City staff: Marie Lawlor, Assistant City Solicitor; Ouida Young; Associate City Solicitor; Martha Horn; Environmental Planner; Mike Kruse, Director of Planning & Development; Juris Alksnitis; Chief Zoning Code Official; and Linda Finucane, Chief Committee Clerk

Re-appointment by His Honor the Mayor

#84-05        RACHEL FREED, 30 Chaske Avenue, Auburndale, re-appointed as a member of the CONSERVATION COMMISSION for a term to expire on April 30, 2008 (60-days 5/20/05).

ACTION:     APPROVED 4-0 (Ald. Lennon not voting)

NOTE: Ms. Freed, a member of the Commission since 1993, is an Environmental Analyst with the Wetlands and Waterways Division of the Massachusetts Department of Environmental Protection. Although she was unable to be present this evening, Ms. Freed is known to several committee members and, as Ald. Baker noted, her resume reflects her experience and qualifications. Upon a motion by Ald. Danberg, the committee voted 4-0, with Ald Lennon not voting, to approve Ms. Freed's re-appointment.

Re-appointment by His Honor the Mayor

#85-05        NORMAN RICHARDSON, 372 Waltham Street, West Newton, re-appointed as a member of the CONSERVATION COMMISSION for a term to expire on April 30, 2008 (60 days 5/20/05).

ACTION:     APPROVED 4-0 (Ald. Lennon not voting)

NOTE: Mr. Richardson, who was not present but whose resume was also attached to the agenda, has served on the Commission since 1993. He is an Environmental Scientist whose specialized skills include ecological risk assessment and wetlands assessment. Ms. Horn, who as the City's Environmental Planner staffs the Commission, noted that Mr. Richardson, an active member of the Commission, will serve on the Dog Park Task Force. He also tests for toxicity the materials used in the playgrounds. Ald. Danberg suggested that the Executive Department ask appointees and re-appointees to summarize their resumes, with particular emphasis on qualifications for the board or commission on which they serve. Ald. Baker moved approval of Mr. Richardson's re-appointment, which carried 4-0, with Ald. Lennon not voting.

Re-appointment by His Honor the Mayor

#86-05 DOUGLAS DICKSON, 17 Oxford Road, Newton Centre, re-appointed as a member of the CONSERVATION COMMISSION for a term to expire on April 30, 2008 (60 days 5/20/05).

ACTION: APPROVED 4-0 (Ald. Lennon not voting)

NOTE: Mr. Dickson, whose resume was attached to the agenda, is well known because of his involvement in many community endeavors, e.g., the Newton Conservators, the Urban Tree Commission, and the Landscape Advisory Council and, the committee upon a motion by Ald. Baker, voted 4-0, with Ald. Lennon not voting, to approve Mr. Dickson's reappointment.

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

#110-05 HIS HONOR THE MAYOR submitting the FY06-FY10 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter which requires Board of Aldermen approval of a plan to finance \$192,250,399 of new local projects over the next several years:

SUMMARY

|                                 |               |
|---------------------------------|---------------|
| PUBLIC WORKS (City-Funded)      | \$ 11,390,000 |
| PUBLIC WORKS (Grant/Fee Funded) | \$ 55,345,000 |
| PUBLIC SAFETY.                  | \$ 4,460,289  |
| PUBLIC BUILDINGS                | \$ 3,903,500  |
| SCHOOL DEPARTMENT               | \$107,065,000 |
| PARKS AND RECREATION            | \$ 7,736,410  |
| OTHER                           | \$ 2,350,200  |
| TOTAL                           | \$192,250,399 |

ACTION: CONSERVATION PORTION APPROVED 5-0

NOTE: Environmental Planner Martha Horn explained that \$10,000 would cover the cost of deferred tree pruning and soil stabilization/resurfacing on eroded pathways, improving accessibility and usability at multiple conservation areas. \$15,000 would be used to control significant ongoing erosion off Maduc Street in the Webster Conservation Area. Last year volunteers from Newton Serves stemmed the erosion temporarily by moving large boulders. In response to a question from the committee, Ms. Horn pointed out that because these problems are the result of long-term delayed maintenance the use of Community Preservation funds is not an available option. Ald. Johnson moved approval of the Conservation portion of the CIP on pages 57 and 59, in the amount of \$25,000, which motion carried 5-0.

#392-04(7) HIS HONOR THE MAYOR submitting for Board of Aldermen approval a conservation restriction for the Angino Farm property given preliminary approval by the Executive Office of Environmental Affairs.

ACTION: APPROVED 3-0-2 (Ald. Lennon and Johnson)

NOTE: The two prior items relating to this conservation restriction were voted No Action Necessary because the actual restriction had not been formulated. Now, after being crafted by the Law Department and given preliminary approval by the State, it is in front of the Board for

review and approval. (See attachment.) The most significant proviso retains a passive recreational use and the ability to alter the grade of the land should the farm fail. Ald. Danberg moved approval. Ald. Johnson and Lennon were not prepared to vote because they wished to review the language in more detail. The committee voted 3-0-2 to approve the item.

#72-05        NATIONAL ARCHITECTURAL TRUST & DANIEL KERNAN & GISELA VOSS requesting acceptance by the City of a preservation restriction on property located at 135 Lincoln Street, Newton Highlands.

ACTION:        HELD 5-0

NOTE: Because Chairman Yates had some questions about these restrictions in general and a representative from the National Architectural Trust was not present the committee held the item 5-0.

#137-05        ZONING & PLANNING COMMITTEE requesting a discussion of possible remedies via amendment to Chapter 30 re the partial demolition of structures and the dimensional control requirements.

ACTION:        HELD 5-0

NOTE: This item was docketed to discuss possible remedies for what appears to be a mounting problem with a provision in Section 30-15 that allows by-right reconstruction without triggering the FAR requirement if 50% or less of a structure is demolished. Although other dimensional controls apply, the provision is being used “creatively” to demolish and reconstruct large out-of-scale homes, oftentimes in neighborhoods of modest homes. Discussion ensued as to whether this provision, probably from when the residential FAR requirements were adopted, really served the public interest. The legislative intent was to allow an addition of a certain size to an existing structure; however, the application of the provision often results in the opposite, i.e., the existing structure essentially becomes the addition on a built-out lot. Should the percentage be lowered? Would a unilateral application of FAR work better and be fairer? Should the 30-15 Task Force be reconstituted? Should the city hire a zoning consultant?

Former Commissioner of Inspectional Services Mark Gilroy was present. Mr. Gilroy thinks the existing residential FAR requirements are fine, but suggested they be applied uniformly. Mr. Kruse agreed that a uniform FAR would be the simplest solution. The committee asked Mr. Kruse to provide it analyses of existing applications of the ordinance and to recommend options. The committee held the item 5-0.

Appointment by His Honor the Mayor

#117-05        BROOKE K. LIPSITT, 36 Billings Park, Newton, appointed as an ASSOCIATE member of the ZONING BOARD OF APPEALS to fill the unexpired term of William Stein, to expire on September 20, 2005 (60-days 6/3/05).

ACTION:        HELD 5-0

NOTE: Former Alderman and Board President Lipsitt will be invited to the next meeting.

ZONING AND PLANNING COMMITTEE REPORT

April 11, 2005

Page 4

All other items were held without discussion. The meeting was adjourned at approximately 9:10 PM.

Respectfully submitted  
Cheryl Lappin, Vice Chairman