

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, MAY 9, 2005

Present: Ald. Yates (Chairman), Ald. Baker, Lappin, Hess-Mahan, and Johnson

Absent: Ald. Danberg, Lennon, and Sangiolo

Also present: Ald. Merrill

City staff: Ouida Young and Marie Lawlor (Law) and Michael Kruse and Juris Alksnitis (Planning)

#354-04      ALD. BAKER AND SANGIOLO proposing that the Zoning Ordinances be amended in order to address building mass and height, better reflect usable floor area in attic and basement spaces, clarify measurement of building height when the roof line is changed, address upper story additions involving dormers and finished attic areas, and address large additions significantly increasing building size and mass, through amending the following provisions including but not limited to Section 30-1 definitions pertaining to “attic”, “height”, “story, half”, “floor area, gross”, “space, habitable”, adding new definitions as appropriate pertaining to dormers and roof types, and amending Section 30-15, Table 1, Footnote 7(3) pertaining to calculation of FAR in the case of existing structures and such other related provisions as may apply.

ACTION:      HELD 5-0

NOTE: After a brief presentation from Messrs. Kruse and Alksnitis, the committee voted to hold the item and accept the recommendation of the Planning Department that it focus on the issues of dormers, height, and half stories.

#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: The committee accepted the recommendation of the Planning Department about eliminating a loophole that exempts FAR for demolition of 50% or less of a property in Section 30-15, Table 1, Footnote 7(3), and agreed that Planning should prepare language for a public hearing.

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:      APPROVED 4-0 (Ald. Baker not voting)

NOTE: After a long digression by Alderman Yates about how an appeal from the fence ordinance had somehow wound up wrongly before the Zoning Board of Appeals, Associate City Solicitor Ouida Young agreed to find out how it happened and make sure it didn't happen again. Former Alderman Brooke Lipsitt, the sponsor of the non-zoning fence ordinance agreed to help in any way. Ms. Lipsitt said that her eleven years on the Land Use Committee were her experience with zoning law that she was eager to apply to different standards of hardship waivers and other duties. She welcomes the challenge of considering appeals from the Commissioner of Inspectional Services actions, and cited an interesting case coming up. As a long time advocate of affordable housing, she supports the use of 40B Comprehensive Permits, but regards it a duty to hold them to high standards. She feels that the ZBA's initial denial of the Avalon Bay on Route 9 was correct, but done too hastily. She was surprised that the ZBA had accepted a mediated settlement. The committee thanked her for her continued willingness to serve her community and approved her appointment 4-0, with Alderman Baker no longer present, but having expressed previously his support for his predecessor as President.

#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:        APPROVED 3-0-1 (Ald. Johnson abstaining; Baker not voting)

NOTE: The committee approved this item despite the fact that neither Mr. Moonan, of the National Architectural Trust, or the owner were present. The property is in the Newton Highlands National Register District. The donation of a façade preservation restriction to the National Architectural Trust protects the historic character of a property's exterior in perpetuity, requiring visible changes to the exterior of the building to receive prior approval from the National Architectural Trust. Internal Revenue Code Section 170(h) provides for charitable income tax deductions for contributions of partial interest in residential and commercial historic properties for the purpose of conservation.

The U.S. National Park Service administers the Federal Historic Preservation Tax Incentive program. Acceptance gives the owners a one-time federal tax deduction, which applies only to federal taxes.

All other items were held without discussion.

Respectfully submitted,

Ald. Brian Yates, Chairman