

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

TUESDAY, MAY 31, 2005

Present: Ald. Yates (Chairman), Ald. Johnson, Sangiolo, Lennon, Hess-Mahan, and Baker;

Absent: Ald. Danberg and Lappin

City staff: Mike Kruse (Director of Planning & Development), Ouida Young (Associate City Solicitor), Marie Lawlor (Assistant City Solicitor), Linda Finucane (Chief Committee Clerk)

Appointment by His Honor the Mayor

#140-05        SCOTT I. WOLF, 99 Clearwater Road, Newton Lower Falls, appointed as an Alternate member of the PLANNING & DEVELOPMENT BOARD for a term expiring February 1, 2008 (60-day BOA action 6/18/05).

ACTION:      APPROVED 5-0

NOTE: Mr. Wolfe, an attorney in general practice with a focus on real estate, has lived in Newton since 2002 and is looking forward to lending his background and interest to the city by serving on the Planning Board. Alderman Sangiolo moved approval of Mr. Wolfe's appointment, which carried 5-0, with Alderman Baker not voting.

Appointment by His Honor the Mayor

#141-05        SETTI WARREN, 102 Beaumont Avenue, Newton, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term expiring on May 31, 2008 (60-day BOA action 6/18/05).

ACTION:      APPROVED 5-0

NOTE: Mr. Warren is a lifelong Newtonian who works for Senator John Kerry. He looks forward to serving on the EDC, hoping to bring to it a fresh perspective. He is familiar with the Main Street Program that has revitalized so many older business districts in Boston and other communities, large and small, across the country, and will keep the Main Street principles in mind as the EDC works to revitalize Newton Center and other village centers. Ald. Johnson moved approval, which carried 5-0, with Alderman Baker not voting.

#18-05(2)      HIS HONOR THE MAYOR appointing the following individuals as members of the AUBURNDALE HISTORIC DISTRICT COMMISSION:

(a) JOHN RODMAN, 40 Avondale Road, Newton Center (Historical Commissions representative), for a term to expire June 30, 2006.

(d) KATHLEEN MAHER, 126 Windermere Road, Auburndale, neighborhood representative, for a term to expire June 30, 2008.

(h) LEONARD SHERMAN, 181 Windsor Road, Waban, alternate, for a term to expire June 30, 2007.

(a),(d),(h) APPROVED 5-0

(b),(c),(e),(f) (g) HELD 5-0

NOTE: Ms. Maher and Mr. Sherman were present. Ms. Maher, an attorney and social studies teacher, couldn't because of time constraints be active in the formation of the district, but is looking forward to serving as a neighborhood representative. Mr. Sherman is a realtor known to the committee from his membership on the Historical Commission. Aldermen Sangiolo and Yates moved approval of the respective appointments, which carried 5-0, with Alderman Baker not voting.

Mr. Rodman, who is Chairman of the Historical Commission, joined the committee later on. There were some concerns that he might be spread too thin since he also serves on the Chestnut Hill District as well as the NHC, but he disagreed, and explained he wants to see the new district get up and running well, and feels his experience will be helpful, particularly given the contentiousness surrounding its formation.

Ald. Lennon moved approval, which carried 6-0.

#168-05      ALD. YATES proposing that Section 22-92 of the Landmark Ordinance be amended to broaden eligibility for designation as a landmark.

ACTION:      HELD 6-0

NOTE: At the suggestion of Alderman Yates, Alderman Gentile had suggested that St. Bernard's church and rectory be designated as a city landmark. Since neither property was listed on the National Register of Historic Sites, and individual listing or eligibility for the National Register is a minimum requirement for designation as a city landmark, Lara Kritzer submitted information about the properties to the Mass Historic Commission (MHC), which determines eligibility for the National Register. MHC found the church and rectory were indeed historically significant but only as part of a small National Register District including the other properties owned by the church. Unfortunately this finding left the church and rectory in a Catch 22 situation under the city landmark ordinance. Even if the church and rectory are found to be the most historic properties in a Saint Bernard's National Register Historic District, they would not be eligible for the National Register individually and thus not eligible to be nominated as local landmarks. To find a way out of this unintended consequence of the landmark ordinance that he had co-sponsored with former Alderman DiDuca, Alderman Yates introduced an item to broaden eligibility for landmarking to any property listed on or eligible for the National Register. He proposed to do this by striking the words in the current ordinance that prohibit landmarking properties that are only on the Register as property of a National Register District.

Unfortunately several members found the proposed language confusing and the explanation incomprehensible. Alderman Johnson raised concerns about the possible impact of the item on the Historic Preservation element of the Comprehensive Plan under development. Alderman Yates agreed to ask the opinion of Alice Ingersoll, the Chair of the Historic Preservation

Subcommittee of the Comprehensive Planning Advisory Committee. The Law Department had not understood the intent of the item and the proposed language and was willing to draft whatever revisions to the current language would achieve the purpose of the item if the Committee asked them to.

The Planning Director does not support the amendment; he feels it will cheapen the process by allowing too many properties to be eligible for nomination as landmarks. Ald. Yates said it will only allow nomination. The Historic Commission could reject the nomination of any property that lacked sufficient historical significance to be named as a landmark. He said further that he would accept language that limited eligibility to individual properties and to “contributing” properties in a National Register District. Mr. Kruse said that the suggested change would lessen his distaste for the item, but not eliminate it.

Alderman Yates was frustrated that the proposed language of the item was not satisfactory to the members of the Committee. However, further discussion was unable to eliminate members’ issues with the wording of the proposed amendment and uncertainly as to whether or not it would accomplish what Alderman Yates wished. The committee asked the Planning Director to prepare a memo comparing the process currently with that proposed and comparing it with other landmarking processes without the “cheapening” of this amendment and asked the Law Department to return with language clarifying Alderman Yates’ proposal.

#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 6-0

NOTE: Mr. Kruse distributed proposed language to amend footnote #7 in Chapter 30-15. It was thought the amendment might be heard on June 27<sup>th</sup>, but after further discussion and upon advice of Associate Solicitor Young, the committee agreed with the Law and Planning departments that it will wait until they return with further language to amend concurrently the definition of gross floor area.

The committee decided to schedule a public hearing for the Angino Farm property for June 27<sup>th</sup>. All other items were held without discussion, and the meeting was adjourned at approximately 10:00 PM

Respectfully submitted,  
Brian Yates, Chairman