

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, JUNE 13, 2005

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

City staff: Mike Rourke (Chief Administrative Officer), Michael Kruse (Director of Planning & Development), Juris Alksnitis (Chief Zoning Code Official), Ouida Young (Associate City Solicitor), Marie Lawlor (Assistant City Solicitor), Jerry Brown (Acting Commissioner of Inspectional Services), Linda Finucane (Chief Committee Clerk)

#18-05(2) HIS HONOR THE MAYOR appointing the following individuals as members of the AUBURNDALE HISTORIC DISTRICT COMMISSION:
(b) ALLEN JOHNSON, 32 Ware Road, Auburndale (Historical Commission representative), for a term to expire June 30, 2006.

ACTION: APPROVED 4-0-2 (Lappin, Hess-Mahan abstaining)

NOTE: Mr. Johnson has an extensive background in historic preservation and has been before the Committee this term for appointment to the Newtonville Historic District and to the Newton Historical Commission. Several members felt it was important to get such an obviously well qualified and well known member appointed to the new Commission to enable it to start up as soon as possible. Aldermen Lappin and Hess-Mahan did not disagree with the positive assessment of Mr. Johnson, but felt that since he was a new appointment to the newly established Commission, the spirit, if not the letter, of the rules required him to meet the Committee before his approval. Aldermen Yates, Sangiolo, Baker, and Danberg voted to approve the appointment. Aldermen Hess-Mahan and Lappin abstained for the above reason.

(c) RICHARD ALFRED, 73 Grove Street, Auburndale, attorney, for a term to expire June 30, 2007.

ACTION: APPROVED 6-0

NOTE: Mr. Alfred is an attorney who lives in the District. He and his wife have done a great deal to preserve and enhance the historic character of their house. He supported the establishment of the Historic District and wants to help it succeed.

He is a former member of the Newton School Committee. The beauty of his house and his dedication to the historic district were known to several members of the Committee. All members present voted to approve his appointment.

- (e) EUGENE GALTON, 244 Woodland Road, Auburndale, neighborhood representative, for a term to expire June 30, 2008.

ACTION: APPROVED 6-0

NOTE: Mr. Galton is a retired Engineer who worked on the Space Program. He worked with Werner Von Braun and helped to resolve the Apollo 13 problem. He has also been active in the community in several ways and is well known and liked for his dedication and character. The Committee thanked him for his willingness to serve and voted to approve his appointment 6-0. The Chair urged him to write a memoir about the Space Program.

- (f) PATRICIA ROSSIN, 9 Carver Road, Auburndale, realtor, for a term to expire June 30, 2008.

ACTION: HELD 6-0

NOTE: Ms. Rossin was not present and not known to Committee members. She has not served on any other Commissions overseen by the Committee. Therefore, the Committee voted to hold her appointment until she could meet with the Committee.

- g) NANCY GRISSOM, 7 Orris Street, Auburndale, alternate, for a term to expire June 30, 2007.

ACTION: APPROVED 6-0

NOTE: Ms. Grissom is a realtor and a leader in realty trade associations. She serves as a Alternate member of the Newton Historical Commission and would represent the NHC on the new Commission. She has participated in the startup of the Newtonville Commission and wants to use this experience to help the Auburndale Commission get off the ground. Although she is on both the Newtonville District Commission and the Chestnut Hill Commission (she has attended 11 meetings in the past year), she feels that she does have enough time to contribute her experience. The Committee appreciated her dedication and approved her approval 6-0.

Appointment by His Honor the Mayor

#18-05(3) ITALO VISCO, 66 Grove Street, Auburndale, appointed as the architect representative to the AUBURNDALE HISTORIC DISTRICT COMMISSION for a term to expire June 30, 2007 (60-days 8/5/05).

ACTION: APPROVED 6-0

NOTE: Mr. Visco distributed his resume (copy attached). It included his degrees in from MIT, and the Harvard School Graduate School of Design, and his Master of Business Administration from Babson. His career has progressed from strictly architecture into development in general. He has done two major rehabilitations using the Historic Tax Credit following the National Park Service's Standards for Rehabilitation. As both an architect who appreciates historic character and a developer who sees the economic value in new buildings and uses, he embodies the tension that the new Commission will feel and is eager to bring his extensive background to making the new historic district a success. The Committee thanked him for his willingness to serve and voted 6-0 to approve his appointment.

Appointment by His Honor the Mayor

#218-05 JOHN LOJEK appointed as COMMISSIONER OF INSPECTIONAL SERVICES, effective July 6, 2005. (30 day BOA action 7/6/05 per Section 3-3 of the City Charter).

ACTION: APPROVED 6-0

NOTE: Chief Administrative Officer Michael Rourke presented Mr. Lojek and described his background (resume attached). He has served as a Building Inspector in Brookline for eight years. His duties included all community interactions with the Court system concerning enforcement of Zoning and Building Codes. Before that he served as President of an Energy Conservation Company and as the Citizen Chairman of the Brookline Building Commission, a citizen group that oversees public construction in the town. He holds a Bachelor's degree in Geology from Boston College and several Certifications relevant to the ISD. He said that customer service and consistency were among his top priorities. All members of the ISD should be on the same page in their understanding of the laws and ordinances and their implementation. He believes that the problem with public administration is not too many meetings, but too few ones at which useful information is exchanged and sound decisions made. He believes in constructive engagement as a way to preventing or eliminating zoning violations. Most people are willing to end violations once they are informed of them. Most of the remainder can be dealt with by letters, or even cease and desist orders. Only a very few will persist in the violations to the point that they must be taken to court.

The Committee was very impressed with his statement of his priorities and hoped that he would get a chance to put them into action. After some discussion of issues in the Department, the Committee voted 6-0 to approve his appointment. Fran Yerardi, President of the Chamber of Commerce, said he was very pleased to hear his priorities and urged the people who raised concerns about the recent problems should give him a little time to get up to speed on them and begin to improve the conditions in the Department.

#472-04 ALD. LENNON & SALVUCCI requesting an update from the Executive Department about the status of the ongoing reorganization of the Inspectional Services Department and the search for an Inspectional Services Commissioner.

ACTION: HELD 5-0 (Lappin not voting)

NOTE: Real estate developer Dino Rossi and architect Paul Sachs both spoke about the difficulty imposed on applicants and owners by changes in the policy of allowing dormers and in other elements of the zoning code. They offered to participate in a task force to find equitable solutions to such problems. Mr. Rourke felt that some of the problems were administrative and could be resolved with a new Commissioner and the Senior Building Plans Examiner returning to his job. The Committee agreed to hold the item 5-0.

#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 5-0 (Lappin not voting)

NOTE: Mr. Kruse explained his Department's memo about this topic. It also included a reference to a list of 51 possible city landmarks prepared by an intern years ago but never

nominated, let alone approved by the Newton Historical Commission (NHC), and an estimate that there are more than 3,300 properties in National Register Historic Districts in the city.

Alderman Yates felt that the fact that so many properties had dangled in limbo for so long meant landmarking would be little used. Other members worried that this might ultimately disturb thousands of property owners. Alderman Yates responded that tens of thousands could be protected against the loss of a potential landmark and that he would provide information documenting the difficulty of getting properties or neighborhood on the National Register. Some questioned why the NHC didn't suggest apply for the designation of all the church properties as suggested by MassHistoric (MH). Either National Register eligibility as part of a District or listing on the Register as part of a district would still disqualify the church from designation as a Landmark under the current wording of the Ordinance. The Law Department had prepared draft language to achieve Alderman Yates' goal without necessarily agreeing with it. Alderman Yates found the additional language instead of the deletions he proposed acceptable and noted that the Law Department language would limit eligibility for designation to individually listed properties and to contributing properties in districts, thereby reducing the number of possibly affected properties. Alderman Sangiolo asked about the possibility of a small local district under Chapter 40C. Alderman Yates said that it was difficult but possible. MH staff had pointed out to him that a district commission without any residents was legal but only after a detailed study process. Mr. Kruse said that such a possibility would be more difficult and complex than the original proposal. Ultimately the majority of the Committee was not comfortable with the item and wanted more data on the number of potential landmark nominations and how difficult it is to avoid a nearby demolition by landmarking properties. The Committee voted to hold the item for more time to think through the possible ramifications and get more information. It will be taken up at the next Committee meeting on June 27 after the public hearing.

#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: NO ACTION NECESSARY 5-0 (Lappin not voting)

NOTE: Ms. Young presented a draft she had prepared of ways to respond to the perceived difficulties in Footnote 7 of section 30-15. It included a substitute for the existing footnote and changes to the definitions of gross floor area and half story to meet some of the criticism that the existing language allows houses much larger than the Aldermanic intent.

After discussion of the two drafts, it was agreed that the replacement footnote was closer to the problems explained by Alderman Baker in conjunction with this item. This substitution will be docketed by the Committee as new item 137-05 (2) and tentatively scheduled for public hearing in late September. No advertisements and freezing of development would be done until September. The changes embodied in the definition changes had much more potential impact and thus deserve more discussion, possibly in relation to item 345-05, over the summer. The exact process to be followed on this second item, which is to be docketed as 137-05 (3), will be determined at the Committee Meeting on June 27 after the public hearing,

Respectfully submitted,
Brian Yates, Chairman

