

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE AGENDA

MONDAY, SEPTEMBER 12, 2005

7:45 PM
Room 202

BUSINESS TO BE DISCUSSED:

Appointment by His Honor the Mayor

#271-05 VINCENT FARINA, 24 Manemet Road, Newton Centre, appointed as an ASSOCIATE member of the ZONING BOARD OF APPEALS to fill the position being vacated by Joseph Cosgrove, for a 1-year term to expire on September 1, 2006 (60 days 10/7/05). **RESUME ATTACHED.**

Appointment by His Honor the Mayor

#272-05 JOSEPH COSGROVE, 125 Shornecliffe Road, Newton, appointed as a FULL member of the ZONING BOARD OF APPEALS for a 3-year term of office, filling the full member position vacated by Catherine Clement, to expire on September 30, 2008 (60 days 10/7/05). **RESUME ATTACHED.**

Appointment by His Honor the Mayor

#273-05 CATHERINE CLEMENT, 25 Hunter Street, West Newton, appointed as an ASSOCIATE member of the ZONING BOARD OF APPEALS, filling the associate member position vacated by Trudy Ernst, to expire on September 2, 2006 (60 days 10/7/05). **RESUME ATTACHED.**

Appointment by His Honor the Mayor

#274-05 TRUDY ERNST, 162 Waban Avenue, Waban, appointed as a FULL member of the ZONING BOARD OF APPEALS, filling the position being vacated by Robert Corbett, to expire on September 1, 2008 (60 days 10/7/05). **RESUME ATTACHED.**

Re-appointment by His Honor the Mayor

#275-05 HARVEY CREEM, 110 Huntington Road, Newton, appointed as an ASSOCIATE member of the ZONING BOARD OF APPEALS for a 1-year term to expire on September 30, 2006 (60 days 10/7/05).

Re-appointment by His Honor the Mayor

#276-05 BROOKE K. LIPSITT, 36 Billings Park, Newton, appointed as an ASSOCIATE member of the ZONING BOARD OF APPEALS, for a 1-year term to expire on September 30, 2006 (60 days 10/7/05)

Re-appointment by His Honor the Mayor

#277-05 GORDON A. MARTIN, 31 Grant Avenue, Newton Centre, appointed as an ASSOCIATE member of the ZONING BOARD OF APPEALS for a 1-year term to expire on September 1, 2006 (60 days 10/7/05).

Re-appointment by His Honor the Mayor

#278-05 ANTHONY SUMMERS, 11 Marshall Street, Newton Centre, appointed as a FULL member of the ZONING BOARD OF APPEALS for a term to expire on September 1, 2008 (60 days 10/7/05).

Re-appointment by His Honor the Mayor

#279-05 BERNARD SHADRAWY, 789 Commonwealth Avenue, Newton Centre, appointed as a FULL member of the ZONING BOARD OF APPEALS for a term to expire on September 1, 2008 (60 days 10/7/05).

Appointment by His Honor the Mayor

#291-05 TABETHA McCARTNEY, 41 Annawan Road, Waban, appointed as a FULL member of the PLANNING & DEVELOPMENT BOARD, filling the unexpired term of Roger Wyner, for a term expiring February 1, 2007 (60-days 11-5-05). **RESUME ATTACHED.**

#292-05 CONSERVATION COMMISSION submitting for approval two Conservation Restrictions for the Kessler Woods property per the agreement between the City of Newton and the Cornerstone Corporation. **COPIES UNDER SEPARATE COVER**

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

#137-05(3)) ZONING & PLANNING COMMITTEE proposing that the definitions of *Gross Floor Area* and *Half Story* be amended.

BUSINESS NOT YET SCHEDULED FOR DISCUSSION:

#137-05(2) ZONING & PLANNING COMMITTEE proposing that Footnote 7 of Section 30-15 be deleted and replaced with the following language:

”FAR requirements shall apply only to one or two family residential structures and only in the following instances:

(1) to all above-grade new construction of a one or two family residential structure, including reconstruction or replacement of an existing one or two family residential structure or other structure being converted to a one or two family residential structure; or

(2) to alteration or enlargement of an existing one or two family residential structure, or other structure being converted to a one or two family residential

structure, that adds gross floor area which lies in whole or in part outside the walls, i.e., the existing footprint, of such structure; or
 (3) in a multi-residential zoning district, to construction of any residential dwelling unit which lies in whole or in part outside the walls, i.e., the existing footprint, of any existing residential dwelling unit, regardless of whether such construction does or does not increase the number of dwelling units on the lot.”

#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.

#194-05 ALD. YATES proposing that Section 22-40(d) of the City of Newton Ordinances be amended to give the Newton Historical Society seats on the Historic District Commissions in place of the Newton Historical Commission.

#330-02(2) ALD. SANGIOLO & HARNEY proposing that Section 30-8(c) Home Businesses be amended to define dogs as “customers.”

REFERRED TO ZONING & PLANNING & PUBLIC SAFETY & TRANSPORTATION

#87-05 ALD. GENTILE requesting a discussion to further regulate overnight parking of commercial vehicles.

#237-01 ALD. MANSFIELD proposing to amend Secs. 30-1, 30-11, 30-12, and 30-13 of the Revised Zoning Ordinances to clarify the definitions of and specify the distinctions between restaurants, retail food establishments, fast food establishments, and food processing and preparation as allowed and permissive uses in Business, Manufacturing and Mixed Use Districts. **(PH 2/15/05; 90 days 5/16/05)**

#238-01 ALD. MANSFIELD & SAMUELSON proposing to amend Sec. 30-1 and 30-11(g)(5) of the Revised Zoning Ordinances to clarify the definition of and restrict the permissive use “drive-in food service establishment” to Limited Manufacturing Districts only. **(PH 2/15/05; 5/16/05)**

- #294-03 ALD. BAKER, YATES, JOHNSON AND MANSFIELD requesting analysis and discussion of possible remedies for demolition of modest housing and replacement with oversized structures out of character with the surrounding neighborhood, including examining the experience of other communities, including those out of state, who have worked to address this problem.
- # 7-99 ALD. PARKER requesting discussion of possible zoning amendments to create additional residential districts with different FAR and lot size requirements.
- #133-03 ALD. YATES proposing an amendment to Chapter 30 requiring a special permit for a so-called "snout house" (one with excessive/intrusive garage on the front) following the example of Fort Collins, Colorado.
- #304-01 ALD. SANGIOLO proposing an ordinance that would detail what percentage of new building or additions would trigger a special permit in residential districts.
- #330-02 ALD. JOHNSON, BULLWINKLE, LINSKY requesting a discussion regarding revamping the home business ordinance to reflect current uses (allowable/not allowable).
- # 20-99 ALD. YATES proposing that Chapter 30 be amended by removing radio and television towers as allowed uses in the Mixed Use 1 district.
- #128-02 ALD. JOHNSON & LINSKY requesting a discussion regarding protection of residential areas abutting Business and Manufacturing districts, e.g., required screening.
- #371-01 ALD. PARKER, YATES, SANGIOLO, BASHAM, LIPSITT proposing an ordinance to require an appropriate review and approval process to control drainage and other environmental impacts in cases of major excavation or other topographic changes.
- #372-01 ALD. SANGIOLO proposing that the requirement for a special permit for a grade change of more than 3 feet be moved from Section 30-5 to 30-15.
- #40-02 ZONING AND PLANNING COMMITTEE requesting a discussion of how the zoning ordinance might be amended to control the conversion of existing commercial uses to other uses which have more impact because of size or type.
- #311-02 ALD. JOHNSON & SANGIOLO requesting that Section 30-23 be amended by including design guidelines to address aesthetic impacts that renovation or new construction have on the surrounding environment.

- #333-97 ALD. YATES proposing to amend the zoning ordinance to require a special permit for the subdivision of property where such subdivision would reduce the level of service for traffic at the intersection of the subdivision with a public way by one level of service or more.
- #231-02 ZONING & PLANNING COMMITTEE requesting that further studies be done by the Planning and Public Works Departments with maximum feasible participation by the neighborhood (using special permit mitigation money to hire consultant(s) if necessary) to answer questions and address issues raised in Zoning and Planning Committee on June 10, 2002 about how to reduce the possibility of further over development in Thompsonville and ways to measure its impact.

ITEM REFERRED TO ECONOMIC DEVELOPMENT COMMISSION:

- #367-95 ALD. YATES proposing the establishment of a subzone of the "Foreign Trade Zone of the Port of Boston" within Newton.
- #376-04 ALD. YATES requesting an amendment to Sec. 22-75 to allow the Economic Development Commission to exercise all the powers of an economic development and industrial corporation under Chapter 121 C of the General Laws upon a finding by the Board of Aldermen that there exists in the city conditions of unemployment or threat of future unemployment.

ITEM REFERRED TO THE 30-15 TASK FORCE:

- #217-00 ALD. YATES requesting that Chapter 30 be amended to require a special permit for the demolition of a structure aged 100 years or more containing one or more residential units in any residential district.

ITEM REFERRED TO THE "INCLUSIONARY ZONING TASK FORCE:"

- #291-95 ALD. PARKER, BALSER, LIPSITT, MANSFIELD, & SAMUELSON requesting that Sec. 30-24 of the City of Newton Rev. Ords., 1995, be amended to require all large commercial development(s) to make a cash payment to be used for affordable/low-income housing. Such payments to be calculated individually for each development on the basis of costs incurred by the city; demands on infrastructure and services; increased need for area affordable housing; and other impositions to the city and community that result from the construction of such projects.
- #334-04 ALD. HESS-MAHAN proposing that Sections 30-1, 30-8(d) and 30-9(h) relative to accessory apartments be amended.
- #152-04 ALD. SANGIOLO proposing that Chapter 30 be amended by adding a definition of "kitchen facilities."

- #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.
- #153-04 ALD. SANGIOLO proposing that Sec. 22-93, designation of Landmark, be amended by adding a provision to notify the property owner when the proposal for landmarking is initially filed.
- #511-03 ALD. SANGIOLO requesting that Section 22-44, Demolition of historically significant buildings or structures., be amended to require applicants for demolition permits to submit proposed plans to and receive from the Historical Commission approval of plans for the new structure prior to receiving permission to demolish an historic structure.
- #128-00 ALD. YATES proposing an amendment to the ordinance governing the Upper Falls Historic District to make failure to complete a project approved by the Commission within one year of the issuance of the permit a violation of the ordinance.
- #128-00(3) ZONING & PLANNING COMMITTEE requesting that the Planning, Law and Inspectional Services Departments develop an effective way to prevent in the historic districts the construction of structures that do not require building permits but nonetheless have impact on the historic character of the districts.
- #10-5 PRESIDENT BAKER recommending discussion and possible recommendations about amendments to historic district state law proposed by the Massachusetts Historical Commission, including suggested enhancement to facilitate local review and effective compliance.
- #373-01 ALD. SANGIOLO proposing an ordinance requiring setbacks for athletic fields and structures occupying athletic fields from abutting residential properties.
- #432-01 ALD. SANGIOLO proposing to add a definition for “recreational facilities” to Sec. 30-1.
- #267-03 ALD. SANGIOLO, JOHNSON, STEWART, & SAMUELSON proposing that Sec 30-5(a)(3) of the Zoning Ordinance be amended to include public safety concerns and a cap on the number of students based on lot size.
- #59-03 ALD. SANGIOLO proposing amendments to Chapter 30-19 Section (j), *Lighting, Surfacing, and Maintenance of Parking Facilities.*
- #287-01 ALD. SANGIOLO proposing an ordinance to require a permitting process for the construction of parking lots.

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- #239-01 ALD. MANSFIELD proposing to amend Secs. 30-1, 30-11, 30-12, and 30-13 of the Revised Zoning Ordinances to establish a definition of and to specify appropriate zoning districts in which to conduct food catering businesses.
- # 86-02 ALD. MANSFIELD proposing to amend Secs. 30-11(a)(9) and 30-11(d)(9) to require a special permit for restaurants having not more than 50 seats that are within 300 feet of a Residence District.
- #306-04 ALD. SANGIOLO & JOHNSON on behalf of George Foord proposing either an amendment or new ordinance re living fences.
- #128-00(2) ZONING & PLANNING COMMITTEE requesting the Law Department and the Inspectional Services Department develop an ordinance based on the City's Home Rule powers requiring property owners to complete reconstruction once begun in a reasonable time.
- #9-05 PRESIDENT BAKER & YATES reporting on proposed Massachusetts Land Use Reform Act and discussion of possible aldermanic endorsement.
- #440-04 ALD. JOHNSON, BAKER & LAPPIN proposing a definition of "accessory structure" which will include mechanical equipment.
- #60-03 ALD. SANGIOLO proposing an ordinance requiring that all City Boards and Commissions under the Zoning and Planning Committee's purview report to the Committee annually.

Re-appointment by His Honor the Mayor

- #378-04(2) ROBERT L. REIMER, 24 Pickwick Road, Waban, re-appointed as a FENCE VIEWER for a term of office which will expire on January 31, 2007 (60 days 3/4/05).

Respectfully submitted,

Brian Yates, Chairman