

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, SEPTEMBER 12, 2005

Present: Ald. Yates (Chairman), Ald. Danberg, Lappin, Lennon, Hess-Mahan, Johnson, Baker, and Sangio (Not Present for appointee votes)

City staff: Marie Lawlor (Assistant City Solicitor), Michael Kruse (Director of Planning & Development), Juris Alksnitis (Chief Zoning Code Official), Linda Finucane (Clerk)

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).

ACTION: HELD 7-0

NOTE: Although Mr. Farina is well known to Ald. Lennon and his resume had been sent out, he is a new appointee and, as such, will be asked to meet the committee at its next meeting.

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).

ACTION: APPROVED 7-0

NOTE: Mr. Cosgrove is an attorney who has served as an associate member for many years. He previously served as a city Assessor. Because Ms. Clement's work and family obligations require more time than previously, she is stepping down to Associate member status, Mr. Cosgrove now is being appointed as a full member. Mr. Cosgrove was unaware of the details of the mediated settlement the ZBA made with the developer of the 40B project proposed for the former Motel site on the Route 9 eastbound ramp. President Baker asked him and other re-appointees to learn the details and to provide them to the Board of Aldermen since many members believe that the access issues would have sustained the denial of the project, even on appeal.

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 21, 2006 (60 days 10/7/05).

ACTION: APPROVED 7-0

NOTE: Ms. Clement, an attorney, is well known to committee members, particularly to Ald. Danberg who worked with her on the Chelsea receivership. Ms. Clement has served as a full member, but wished to become an associate member because of family and work commitments.

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).

ACTION: APPROVED 7-0

NOTE: Ms. Ernst was present. She is an attorney who has served for many years as an Associate member. She would fill the full member position being vacated by long-time member Robert Corbett. Since Mr. Corbett has served the city for several decades, it was voted unanimously to docket an item thanking him for his service. The full text of the resolution will be composed after detailed information is provided by the ZBA staff. Ms. Ernst's promotion to full Member was approved by all present.

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).

ACTION: APPROVED 7-0

NOTE: Mr. Creem, who is an accountant, was before the committee in December for his previous appointment. The Committee members are familiar with Mr. Creem and voted unanimously to approved his re-appointment.

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)

ACTION: APPROVED 7-0

NOTE: Former Alderman Lipsitt was before the committee in May for her initial appointment. Committee members are extremely familiar with the former Board President and voted unanimously to approve her re-appointment.

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).

ACTION: APPROVED 7-0

NOTE: Retired Judge Martin was first appointed to the ZBA last year, and met with the committee at that time. (Some Committee members remember him from his pre-judicial days as a political activist in Newton.) All members present voted to approve his re-appointment.

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).

ACTION: APPROVED 7-0

NOTE: Mr. Summers is well known. To several members of the He too is an attorney who has served on the board for close to twenty years and served as Vice-Chair for part of that time. The Committee voted unanimously to approve his re-appointment.

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

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to expire on September 1, 2008 (60 days 10/7/05).

ACTION: APPROVED 7-0

NOTE: Mr. Shadrawy was present. He currently serves as Vice-Chair of the ZBA. Since Ms. Clements has resigned as Chair, he has assumed the scheduling and other administrative duties of Chair. He explained the changes in membership and told the committee that all current members, full and associate, attend all meetings to which they have been assigned. He also noted that to gain experience; members also rotate as chair.

Alderman Baker asked him to have the substance of the Chestnut Hill Mediated Settlement provided to the members of the Board of Alderman.

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).

ACTION: HELD 7-0

NOTE: Ms McCartney will be asked in for September 26th.

#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.

ACTION: APPROVED 7-0

NOTE: Planning Director Michael Kruse and Cornerstone Corporation Attorney Mr. Shadrawy explained that the two affected parcels were sections of the Kessler Woods that could not be built on. They will serve as natural habitat for animals and contribute to water quality and flood prevention. A previous easement has given the city access to the parcels, which abut existing city-owned conservation land.. These restrictions will prevent detrimental activities on the Kessler property while allowing the construction of a rustic trail at Cornerstone's expense. The Committee voted unanimously to approve this logical extension of previous decisions.

#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.

ACTION: HELD 8-0

NOTE: Alderman Yates explained that he had scheduled this item as a means of discussing the recent decision by Mr. Kruse to meet his budgetary reduction and extended

responsibilities by reducing support for the two least active Historic District Commissions. Preservation Planner Lara Kritzer will only serve the Newton Historical Commission which now has two meetings a month to accommodate the 300 demolition requests per year that now come before it; the Chestnut Hill HDC, the most active of the three current Commissions; and the new Auburndale HDC. Barring money for more staff, which he would support, he feels that this is the best solution. (See interim procedures memo draft dated 9/12/05, attached.) Aldermen Baker, Johnson, and Yates have expressed intense concern about this decision. Alderman Baker submitted a draft based on his discussion with Mr. Kruse of how the gaps would be filled on a temporary basis. Mr. Kruse said that the document was acceptable. Since other issues affect the HD Commissions such as lack of members (there are a total of more than twenty vacancies on the historic commissions, it was moved to hold the item and see if the proposal works. The Committee voted hold with Alderman Lennon noting that other city employees like firefighters provide even more urgently needed services and they have been affected by budget limits as well. (The Committee also voted to docket a new item focusing just on the staffing of the commissions.)

Alderman Lennon had been in discussion with the new ISD Commissioner to resolve various administrative issues. Though there have been improvements, he feels that the Commissioner's attendance at a future Zoning and Planning Committee meeting to respond to a memo that he will provide to Committee members will be of help. The Chair agreed to have Mr. Lojek at either the second meeting in September or the one meeting in October.

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

ACTION: HELD 8-0

NOTE: This item was a followup to the statement by the Planning Director that several overdevelopments were caused by the current exemption of buildings that are less than 50% demolished from the Floor Area Restriction. The Planning Department had also provided a list of specific sites aided by the exemption. Most seemed on a pure numerical basis to be overdevelopments. Alderman Sangiolo had analyzed the sites with a Task Force of Alderman Lennon, Johnson, Hess-Mahan, and members of the development community and only two seemed to be out of scale with their sites.

The Task Force had persuaded the Aldermanic members that the text as developed by the Law Department would hamper development in the city to an unreasonable extent.

Chair Yates had agreed and pulled back the item from the announced public hearing on September 26.

Alderman Baker felt strongly that the supply of small affordable homes in the city was being diminished all the time and that some version of the item was badly needed to be heard. Alderman Johnson agreed about the loss of smaller homes but felt strongly that the item even in its simpler original form had the potential to cause great difficulty without solving the problem. Alderman Baker asked that the original item be amended by the Law Department to allow property owners to make small (vestibule, mudroom, etc) improvements by right without triggering the FAR. The Committee agreed.

Alderman Yates said that he would develop a formal charge for a Task Force to review all items on the docket relevant to overdevelopment and report on them to the next Board. With these understandings, the item was held.

Respectfully submitted,

Brian Yates, Chair,