

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, SEPTEMBER 26, 2005

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

Other Aldermen present: Salvucci, Samuelson, and Albright

Also Present: Assistant City Solicitor Lawler, Inspectional Services Commissioner Lojek

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: APPROVED 5-0 (Danberg, Johnson, and Lennon NOT VOTING)

NOTE: Mr. Farina was present and explained that he wanted to turn his engineering and construction to service in his community. He was unaware of the hardship issue faced in granting variances, but promised to become informed. Alderman Salvucci said that he had worked very closely with Mr. Farina in their pre-retirement days and that he had both the expertise and the good character to be an asset to the ZBA. The Committee agreed and all members present voted to approve his appointment.

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: APPROVED 5-0 (Danberg, Johnson, and Lennon not voting)

NOTE: Ms. McCartney was present and explained that she wanted to serve the community and that the Planning Board was a logical extension of her job as a business banker. She had served for a year or so as an Associate Member. She enjoys the Community Development Block Grant role of the Planning Board. She is familiar with it as the Treasurer of Second Step, a CDBG funded agency. The CDBG staff had always paid Second Step promptly in her recollection and she looked forward to working with them even more closely as a full Member. The Committee members present voted unanimously in favor of her appointment as a full member of the Planning Board.

Re-appointment by His Honor the Mayor

#310-05 NATHANIEL KATZ, 300 Elliot Street, Newton Upper Falls, re-appointed as an ALTERNATE member of the NEWTON UPPER FALLS

HISTORIC DISTRICT COMMISSION for a term of office to expire
January 1, 2009 (60-days 11/18/05).

ACTION: APPROVED 7-0 (Ald. Johnson not voting)

NOTE: Although Dr. Katz was not present, his resume had been provided, and he had been before the Committee a year ago. He is a medical doctor who lives in the heart of the historic district and has recently upgraded his property. Alderman Yates urged approval of the re-appointment. The Committee agreed unanimously.

Appointment by His Honor the Mayor

#311-05 LAWRENCE C. SCHWIRIAN, 7 Williston Road, Auburndale, currently an Associate member, appointed as a FULL member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term of office expiring July 30, 2008 (60-days 11/11/05).

ACTION: APPROVED 7-0 (Ald. Johnson not voting)

NOTE: Mr. Schwirian is nominated to move up from his current position as Associate Member (Architect) to full Member (Architect) to replace Architect Robert Silver who resigned from the Commission and as Chairman because he has moved out of state. Alderman Sangiolo knows the candidate well and supports his appointment. Alderman Yates noted that Mr. Schwirian has agreed to replace Mr. Silver as Chair as well as the Architect Member. The Committee voted unanimously to approve his appointment.

#323-05 ALD. SAMUELSON, ALBRIGHT, SALVUCCI requesting a discussion re a Resolution to the Mayor to engage the services of a qualified, independent consultant which specializes in clarifying and cleaning up the language in our zoning ordinances to them user friendly.

ACTION: HELD 8-0

NOTE: After a lengthy discussion, all present agreed that the zoning ordinance needs to be clarified in many regards. Some wanted this to follow the adoption of the Comprehensive Plan. Others thought this would take too long. Many of the clarification issues were cited in item 354-04. Mr. Lojek agreed that the Zoning Ordinance was "insanity" and much worse than those of Brookline, Needham and Wellesley. He agreed to return to the Committee at its October meeting and present the most serious problems he finds with the Ordinance in administering it. With this understanding, the item was held.

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

ACTION: HELD 7-1 (Baker)

NOTE: Alderman Baker felt strongly that the draft he had developed with the Law Department would resolve the problems that he had observed and the Planning Department had documented with partial demolitions and massive additions. The majority of the Committee was still uncertain about the matter and felt that it might well be assigned to a Task Force. Seven of the members voted to hold the item. Alderman Baker voted not to.

#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: This item was held with the understanding that Mr. Lojeck will attend the Committee meeting on October 24th to respond to the issues raised by Alderman Lennon with him in a memo that will be distributed to the Committee and to report to the Committee on what issues create the most problems for administration of the Zoning Ordinance and his recommendations as to what should be done about them.

The Chairman had grouped the remaining items into several batches and wanted to begin a Task Force including recommendations from the Informal Task Force focusing on several items with the text of item 294-03 as the charge. He intended to ask the informal Task Force meeting at 6:30 to review item 354-04 and respond specifically to it with detailed items that could be heard. There was no consensus about this two track course so all items were held pending the next Committee meeting.

#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.”

Held 8-0

#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.

Held 8-0

#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.

Held 8-0 Possible charge for task force reviewing next several items.

7-99 ALD. PARKER requesting discussion of possible zoning amendments to create additional residential districts with different FAR and lot size requirements.

Held 8-0

#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.

Held 8-0

#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.

Held 8-0

#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.

Held 8-0

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#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.

Held 8-0

Respectfully submitted,
Brian Yates, Chairman