

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY, OCTOBER 24, 2005

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

Also present: Ald. Albright, Samuelson, Lipof, and Parker

Appointment by His Honor the Mayor

#341-05 DAVID MORTON, 148 Edinboro Street, Newtonville, appointed as a member of the NEWTON HISTORICAL COMMISSION to fill the unexpired term of David Galler, which expires January 1, 2008 (60 days 12-16-05).

ACTION: APPROVED 7-0

NOTE: Mr. Morton was present, and his resume was attached to the agenda for the meeting. He is keenly interested in historic preservation, but wants to use his architectural expertise to help property owners to get historic materials at an affordable price. The Committee was pleased that he would be helping property owners to comply with historic standards at the lowest cost possible and voted 7 to 0 to approve his appointment.

Appointment by His Honor the Mayor

#342-05 LOIS McMULLIN, 11 Meigh Road, Chestnut Hill, appointed as the RESIDENT representative to the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term of office expiring July 31, 2008 (60 days 12-16-05).

ACTION: APPROVED 7-0

NOTE: Ms. McMullin was present and her resume had been attached to the agenda for the meeting. She is a resident of the District with a deep interest and academic background who has been active in Historic Chestnut Hill and other efforts to preserve and enhance the historic qualities of Chestnut Hill. Alderman Baker spoke glowingly of her dedication to the community, and the Committee voted 7-0 to approve her appointment to the Commission

#327-05 CAROLYN CONNOLLY, KAREN LENTO GAZARIAN, CHRISTOPHER SAHAGIAN, TRUSTEES of CHESTNUT CROSSING CONDOMINIUM TRUST, 1003-1009 Chestnut Street, Newton Uppers Falls, requesting acceptance of the Preservation Restriction Agreement to the National Architectural Trust.

ACTION: APPROVED 7-0

NOTE: Ms. Gazarian is the owner of a commercial condominium unit in the building. She was present representing the condominium trustees. She serves as Treasurer of the Trust. She explained that the preservation restriction agreement would preserve the façade of the building in

perpetuity (The historic district in which it is located could be repealed.) and gives the Trust a tax deduction. Any changes in the exterior of the building would have to be approved by the Newton Upper Falls Historic District Commission before being submitted to the National Architectural trust. The Trust, in turn, will defer to the NUFHDC's opinions. The Committee voted unanimously to accept the Preservation Restriction Agreement.

Re-appointment by His Honor the Mayor

#328-05 JEFFREY R. RIKLIN, 37 High Street, Newton Upper Falls, re-appointed as a Resident member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term of office to expire July 31, 2008 (60-days 12/4/05).

ACTION: APPROVED 7-0

NOTE: Mr. Riklin is a fourteen year resident of the city with extensive construction experience. Although he was not present, the Committee saw him in this term and his resume was attached to the Committee agenda. The Committee therefore felt comfortable voting 7 to 0 to approve his appointment to the Commission.

#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: APPROVED AS AMENDED 7-0

NOTE: This item was discussed in conjunction with item nos. 354-04 and 340-05. Some members felt very strongly that an outside consultant was urgently needed. Others felt that the Mayor would never allocate money for this purpose. Advocates responded that he would certainly never do so if not asked formally. Alderman Samuelson suggested CPA money. Others felt that such a use was not permissible. Alderman Yates felt that Gubernatorial Smart Growth Initiatives might have some funding that could be turned to this use. Others insisted that this item should not pass at the expense of the establishment of the long discussed Task Force. Still others were uncertain what method was best. Ultimately, the majority of the Committee felt that it was best to proceed on more than one track simultaneously

Therefore, with the understanding that an item on the Task Force would be then moved for docketing, the Committee voted 7-0 to approve the following amended version of the item:

ALD. SAMUELSON, ALBRIGHT, SALVUCCI requesting a Resolution asking the Mayor to engage the services of a qualified independent consultant to clarify and clean up the language in our zoning ordinance to make it user friendly.

The Committee then voted 6-1-0 (Baker voting no, wanting to assign the task to City Staff) to docket the following new item:

#323-05 (2) ZONING & PLANNING COMMITTEE establishing a Task Force of persons knowledgeable about the Newton Zoning Ordinance to advise the consultant proposed in #323-05, the Committee, the full Board, the Planning, Law, and Inspectional Services Departments about the problems with the Zoning Ordinance

in item #354-04 and the Report of the Inspectional Services Commissioner in response to item #340-05 and ways in which the Ordinance could be improved.

Alderman Johnson offered to serve on a subcommittee with Aldermen Sangiolo and Lennon to develop a suggested list of Task Force members and list of tasks for the Committee's consideration.

#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.

ACTION:      HELD 7-0

NOTE: This item was held to be the focus of the Task Force and of the Committee's work for the rest of the term. With Departmental help, the Committee will try to develop definitions and other straightforward solutions to the problems cited in the Commissioner's report that could be referred to the next Board for public hearing early in 2006.

#309-05      ZONING AND PLANNING COMMITTEE requesting a report from the Director of Planning & Development on the status of staffing of Historical District Commissions.

ACTION:      HELD 7-0

NOTE: Alderman Baker and Mr. Kruse explained that a few thousand dollars had been found in the personnel accounts. The Mayor had grudgingly agreed to let these unspent funds be appropriated for use through June 30, 2006 for a part-time preservation planner with no benefits and less than 20 hours per week of work to assist the Upper Falls and Newtonville Historic District Commissions and otherwise assist the Preservation Planner. The Committee agreed with this temporary stopgap measure but pointed out that it does not resolve the ongoing workload problem of the Newton Historical Commission and the Historic District Commissions. To show the Committee's ongoing concern, the Committee voted to hold the item.

#340-05      ALD. YATES requesting a report from the Commissioner of Inspectional Services on what provisions of the zoning ordinance are most difficult to implement because of lack of clarity or other reasons.

ACTION:      HELD 7-0

NOTE: The Commissioner distributed his report on the items that he found urgently in need of solution either because of the number of cases he encountered or the complexity and severity of

those before his department. Most were similar to those cited in #354-04. For details, please see the attached report. This item was held like that item so that the Committee could try to carve out some partial solutions in its last few meetings.

#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."

ACTION: HELD 7-0

NOTE: Alderman Baker felt that there was still some value in holding onto this item. Because of the late hour and exhaustion of the members, it was held 7-0 but will still be considered for No Action Necessary at some point in the future.

#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.

ACTION: NO ACTION NECESSARY 7-0

NOTE: Since the building at the corner of Richardson Road and Boylston Street that originally inspired this item has changed hands and work has finally begun on its renovation, Alderman Yates agreed that this item is not necessary to remedy this one situation. The Committee voted unanimously that No Action was Necessary.

#367-95 ALD. YATES proposing the establishment of a subzone of the "Foreign Trade Zone of the Port of Boston" within Newton.

ACTION: NO ACTION NECESSARY 7-0

NOTE: Since a workshop had been held in the city on foreign trade in general, and very few business owners showed up, it appears that there is likely to be even fewer interested in or wanting city help on this topic. Alderman Yates moved No Action Necessary. The Committee agreed unanimously.

All other items were held.

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Respectfully submitted,  
Brian Yates, Chairman