

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, NOVEMBER 14, 2005

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

Also Present: Ald. Albright

City staff: Michael Kruse (Director of Planning & Development), Juris Alksnitis (Chief Zoning Code Official), John Lojek (Commissioner of Inspectional Services), Linda Finucane (Chief Committee Clerk)

Note: The following three items were discussed in conjunction:

#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.

ACTION: **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.

ACTION: **HELD 8-0**

#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 8-0**

NOTE: The Committee listened to a slide presentation from the Planning and Inspection Service Departments citing specific examples of the general problems in the Zoning Ordinances, highlighted by the Commissioner of Inspectional Services (attached.)

The Committee then discussed the possible composition of the proposed task force as recommended by a sub-committee of Ald. Lappin, Johnson and Sangiolo. It was finally recommended that the task force should consist of one representative and one alternate in each of the following professions, institutions: builder/contractor, developer, land use attorney, historic preservation, affordable housing, homeowner, neighborhood organization, Law Department, Inspectional Services Department, Planning Department, architect, Zoning and Planning Committee and Land Use Committee.

There was some discussion on the appropriateness of a larger number of architects than other groups because this is primarily a design issue.

The Chair was directed to conduct a public outreach program for possible members of the task force although many likely candidates were known. Notices will be put in the press and on the City website requesting that letters of interest be submitted to the Zoning and Planning Chair, Brian Yates, at City Hall. A status report will be provided at the November 28, 2005 Committee meeting with the task force to be appointed at the December 7, 2005 meeting and asked to make recommendations on the issues in #354-04 and the Commissioner's report. All three items were held 8-0.

#364-05 SANGIOLO, JOHNSON & YATES proposing the creation of a demolition by neglect ordinance to protect city designated landmarks.

ACTION: **HELD 8-0**

NOTE: A sample ordinance from the City of Lowell attempting to prevent demolition by neglect by requiring minimum maintenance of buildings in the Lowell Downtown Historic District was attached to the agenda and briefly discussed. Alderman Sangiolo promised to send out the equivalent ordinances from Washington D.C. and Detroit.

There was general interest in the topic of minimum maintenance but agreement with three speakers from Newton Corner urging the Committee to focus first on prevention of demolition by neglect of landmarks like the house on Elmwood Street and a dozen or so others in the City. That guidance will be given to the Law Department who will be asked to provide a draft amendment to the Landmark Ordinance by the Committee meeting on November 28, 2005. With that understanding, the Committee held the item.

#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: **NO ACTION NECESSARY 8-0**

NOTE: Aldermen Lennon provided a memo describing the problems he had become aware of in the Inspectional Services Department. He explained the discussions that he had with the new Commissioner and felt that significant progress had been made. He was willing to have the item voted no action necessary with the understanding that future concerns about the department would be addressed through future docket items focused on them. Mr. Lojek described progress he had made. There was an unfortunate attitude of personal prerogatives taking precedence over the needs of the public. He cited an example when he had to tell workers to serve a crowd of applicants even if it was not the other workers' "counter time." The Inspectional Services Department staff like other city workers will receive training on how to deal with difficult people. The Committee voted no action necessary.

Respectfully submitted,

Brian Yates, Chairman