

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, NOVEMBER 28, 2005

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

City staff: Marie Lawlor, Assistant City Solicitor, Juris Alksnitis, Chief Zoning Code Official, Mike Kruse, Director of Planning & Development, and Linda Finucane, Chief Committee Clerk

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

ACTION: HELD 6-0

NOTE:

#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.

ACTION: NO ACTION NECESSARY 6-0

NOTE:

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

ACTON: NO ACTION NECESSARY 6-0

NOTE:

#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.

ACTION: NO ACTION NECESSARY 6-0

NOTE:

#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.

ACTION NO ACTION NECESSARY 6-0

NOTE:

The following items were held and referred to the Task Force,:

- #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.
- #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.
- #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.

The following items were referred 6-0 to the 2006-2007 Board:

- #334-04 ALD. HESS-MAHAN proposing that Sections 30-1, 30-8(d) and 30-9(h) relative to accessory apartments be amended.
- #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.”

- #137-05(3) ZONING & PLANNING COMMITTEE proposing that the definitions of *Gross Floor Area* and *Half Story* be amended
- #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.
- #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.
- #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.
- #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.
- #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.
- #312-05 ALD. HESS-MAHAN & DANBERG proposing that §22-44 be amended to exempt portions of buildings less than 50 years old from the procedure set forth in § 22-44(c).
- #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(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.
- #10-05 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.
- #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.
- #309-05 ZONING AND PLANNING COMMITTEE requesting a report from the Director of Planning & Development on the status of staffing of Historical District Commissions.
- #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)**
- #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.

REFERRED TO ZAP and PS&T Committees

- #87-05 ALD. GENTILE requesting a discussion to further regulate overnight parking of commercial vehicles.
- #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.
- #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.
- #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.
- #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.
- #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.
- #373-01 ALD. SANGIOLO proposing an ordinance requiring setbacks for athletic fields and structures occupying athletic fields from abutting residential properties.
- #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.

- #432-01 ALD. SANGIOLO proposing to add a definition for “recreational facilities” to Sec. 30-1.
- #306-04 ALD. SANGIOLO & JOHNSON on behalf of George Foord proposing either an amendment or new ordinance re: living fences.
- #9-05 PRESIDENT BAKER & YATES reporting on proposed Massachusetts Land Use Reform Act and discussion of possible aldermanic endorsement.
- #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.
- #440-04 ALD. JOHNSON, BAKER & LAPPIN proposing a definition of “accessory structure” which will include mechanical equipment.

Respectfully submitted,

Brian Yates, Chairman