

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, DECEMBER 12, 2005

Present: Ald. Yates (Chairman), Ald. Baker, Lappin, Danberg, Hess-Mahan, Sangiolo, Lennon, and Johnson; also present: Aldermen-elect Burg and Weisbuch

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

Appointment by His Honor the Mayor

# 432-05      JOYCE DOSTALE, 408 Hammond Street, Chestnut Hill, appointed as a regular resident member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 2009 (60 days 2-5-06)

ACTION:      APPROVED 5-0 (Aldermen Sangiolo, Lennon and Johnson not voting)

NOTE: Ms. Dostale, who has lived in Chestnut Hill for twenty years, was involved in the creation of the Chestnut Hill Historic District. She has attended many meetings informally and would like to participate formally. Well known to Alderman Baker, he moved Ms. Dostale's appointment, which was approved unanimously by the members present.

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

ACTION:      APPROVED 8-0 SUBJECT TO 2<sup>nd</sup> CALL

NOTE: Ms. Lawlor presented the draft prepared by the Law Department in response to committee concerns. Ald. Johnson raised questions about the need for public hearing or other notice to owners of current or potential landmarks. The amendment does not require a public hearing. There are only a dozen properties land marked, the owner of 29-31 Elmwood is aware of the proposed ordinance amendment. It was agreed that a notice would be sent to all owners of current landmarks. Ald Baker urged that the ordinance include a provision prohibiting the issuance of building permits for the land marked sites deteriorating or demolished by neglect for as long as the Law Department deems possible. It was agreed that such a provision will be included in the ordinance, and it was approved 8-0 subject to second call.

#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:      TASK FORCE APPOINTED; ITEM REFERRED 8-0 to 2006-2007 BOARD OF ALDERMEN

NOTE: Two draft charges for task force were presented. After discussion the attached Charge was agreed to. Chair Yates presented a list of proposed members. It includes four architects as such, as well as architects in several other categories. The committee felt the list

was too long and that number of participants might be unmanageable. Ultimately, the committee decided to drop two full members per category down to one primary and one alternate. It was also agreed that the aldermanic appointees would be held and named in the new term after the new committees are established.

**THE REMAINING ITEMS WERE REFERRED 8-0 TO THE 2006-2007 BOARD:**

#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.

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

#428-05 HIS HONOR THE MAYOR submitting the FY07-FY11 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter which requires Board of Aldermen approval of a plan to finance \$179,120,279 of new local projects over the next several years:

SUMMARY

PUBLIC WORKS (City-Funded)	\$ 12,544,000
PUBLIC WORKS (Grant/Fee Funded)	\$ 53,255,000
PUBLIC SAFETY.	\$ 3,910,289
PUBLIC BUILDINGS	\$ 5,420,420
SCHOOL DEPARTMENT	\$ 92,415,000
PARKS AND RECREATION	\$ 8,807,410
OTHER	\$ 2,768,160
TOTAL	\$179,120,279

Respectfully submitted  
Brian Yates, Chairman

- Attachments:
- List of landmarks
- Task Force Charge
- List of appointees