

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE AGENDA

MONDAY, JANUARY 26, 2004

7:45 PM
Room 202

BUSINESS TO BE DISCUSSED:

Appointment by His Honor the Mayor

#16-04 NATHANIEL KATZ, 300 Elliot Street, Newton Upper Falls, appointed as an ALTERNATE member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 2006 (60-day Board action 3/5/04). **RESUME ATTACHED.**

Appointment by His Honor the Mayor

#545-03 PHILIP PLOTTEL, 50 Roslyn Road, Waban, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire on December 1, 2006 (60-day Board action 2/14/04). **RESUME ATTACHED.**

Re-appointment by His Honor the Mayor

#20-04 JANE IVES, 34 Lucille Place, Newton Upper Falls, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office expiring December 31, 2006 (60-day Board action 3/5/04). **RESUME ATTACHED.**

Re-appointment by His Honor the Mayor

#21-04 JOYCE MARCHETTE, 48 Athelstane Road, Newton Centre, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office expiring October 5, 2006 (60-day Board action 3/5/04). **RESUME ATTACHED.**

Re-appointment by His Honor the Mayor

#22-04 ROGER MATTHEWS, 44 Concolor Road, Newton, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office expiring October 5, 2006 (60-day Board action 3/5/04).

Re-appointment by His Honor the Mayor

#23-04 CAROL ANN SHEA, 24 Milo Street, Auburndale, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office expiring January 1, 2007 (60-day Board action 3/5/04).

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Re-appointment by His Honor the Mayor

#18-04 ELIZABETH BROWN, 312 Woodcliff Road, Newton Highlands, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office expiring January 1, 2007 (60-day Board action 3/5/04).

Re-appointment by His Honor the Mayor

#24-04 FRAN YERARDI, 141 Jewett Street, Newton Corner, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office expiring January 1, 2007 (60-day Board action 3/5/04). **RESUME ATTACHED.**

Appointment by His Honor the Mayor

#45-04 BERNARD SHADRAWY, JR., 789 Commonwealth Avenue, Newton Centre, appointed as full member of the ZONING BOARD OF APPEALS, filling the unexpired term of Harold Meizler, which term will expire on September 1, 2005 (60-day Board action date 3/20/04). **RESUME ATTACHED.**

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#549-03 HIS HONOR THE MAYOR submitting the FY05-FY09 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter which requires Board of Aldermen approval of a plan to finance \$170,899,860 of new local projects over the next several years:

SUMMARY

PUBLIC WORKS (City-Funded).....	\$ 8,075,000
PUBLIC WORKS (Grant/Fee Funded).....	\$ 54,256,057
PUBLIC SAFETY.....	\$ 4,611,000
PUBLIC BUILDINGS.....	\$ 4,555,750
SCHOOL DEPARTMENT.....	\$ 89,293,029
PARKS AND RECREATION.....	\$ 8,143,500
OTHER.....	\$ 1,965,524
TOTAL.....	\$170,899,860

NOTE: CONSERVATION PORTION, SEE ATTACHED.

REFERRED TO ZONING & PLANNING & FINANCE COMMITTEES

#168-02 HIS HONOR THE MAYOR requesting that the Board of Aldermen establish new civil fines under Section 20-21 of the City of Newton Ordinances for the violation of various environmental provisions enforced by the Conservation Commission.

NOTE: SEE ATTACHED EMAIL FROM MARTHA HORN

#47-04 ALD. YATES requesting that the *Open Space and Recreation Plan of 2003* be considered as a possible element in the city's *Comprehensive Plan* in accordance with the procedures of the City Charter.

NOTE: SEE ATTACHED EXCERPT FROM CITY CHARTER.

NEW BUSINESS NOT YET SCHEDULED FOR DISCUSSION:

#46-04 ALD. YATES requesting a report from the *Economic Development Commission* concerning their plan for the redevelopment of Newton Centre.

#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.

BUSINESS SCHEDULED FOR FEBRUARY 9:

Appointment by His Honor the Mayor

#17-04 LAUREN MACKLER, 142 Langley Road, Newton Centre, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office expiring December 1, 2006 (60-day Board action 3/5/04).

Re-appointment by His Honor the Mayor

#19-04 CHARLES EISENBERG, 4 Ashford Road, Newton Centre, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office expiring January 1, 2007 (60-day Board action 3/5/04).

ITEM REFERRED TO ECONOMIC DEVELOPMENT COMMISSION:

#366-95 ALD. YATES proposing the establishment of a "Recycling Market Development Zone."

ITEM REFERRED TO ECONOMIC DEVELOPMENT COMMISSION:

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

ITEM REFERRED TO ECONOMIC DEVELOPMENT COMMISSION:

#326-99 ALD. YATES proposing amendments to Chapter 30 to encourage railroad related uses in Mixed Use Districts land adjacent to railroad.

ITEM REFERRED TO ECONOMIC DEVELOPMENT COMMISSION

#20-03(2) ZONING & PLANNING COMMITTEE requesting the Economic Development Commission to evaluate the economic and housing impacts of the current hotel linkage provision of the Zoning Ordinance and of a possible increase in the percentage from 10% to 15%, while taking into consideration the impacts of different types of hotel use.

BUSINESS SCHEUDLED FOR FEBRUARY 23:

ITEM REFERRED TO THE 30-15 TASK FORCE:

#216-00 ALD. YATES requesting that Chapter 30 be amended to require a special permit to demolish an existing single-family dwelling on a pre-1953 lot that does not meet the current dimensional requirements for a lot in a Multi Residence District and replace it with a two-family dwelling.

HEARINGS HAVE BE ASSIGNED FOR THE FOLLOWING ITEMS:

#216-00(3) ALD. YATES requesting that Chapter 30 be amended to require a special permit to demolish an existing single-family dwelling on a lot larger than 7000 square feet and smaller than 10,000 square feet to replace it with a two-family dwelling.

#49-04 ALD. JOHNSON & LINSKY recommending that the following properties, identified by both address and Section, Block, and Lot numbers, be re-zoned from MULTI RESIDENCE 1 to SINGLE RESIDENCE 2 to have the zoning for these properties reflect the actual single-family use:

<u>Rochester Road</u>	<u>Langdon Street</u>
45 (SBL 13-20-41)	140 (SBL 13-8-9)
49 (SBL 13-20-42)	134 (SBL 13-8-8)
53 (SBL 13-20-43)	126 (SBL 13-8-6)
54 (SBL 13-20-45)	118 (SBL 13-8-5)
48 (SBL 13-20-47)	100 (SBL 13-9-12)
	92 (SBL 13-9-11)
<u>Surrey Road</u>	<u>Laudholm Road</u>
22 (SBL 13-9-9)	4 (SBL 13-9-13)
28 (SBL 13-9-10)	10 (SBL 13-9-14)
	21 (SBL 13-8-4)
	27 (SBL 13-8-3)
	35 (SBL 13-8-2)
<u>Westchester Road</u>	<u>Cabot Street</u>
91 (SBL 13-20-29)	114 (SBL 13-18-14)
99 (SBL 13-20-30)	108 (SBL 103-18-15)
104 (SBL 13-8-8)	102 (SBL 13-18-16)
110 (SBL 13-18-7)	121 (SBL 13-18-1)
	129 (SBL 13-8-10)

#355-03 ALD. LINSKY & JOHNSON proposing that footnote 7(4) of Table 1 contained in Section 30-15 be amended by deleting the word "second."

BUSINESS SCHEUDLED FOR MARCH 8:

- #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.
- #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.

BUSINESS SCHEDULED FOR MARCH 22:

HEARINGS

- #542-03 ALD. LIPSITT requesting amendment to Chapter 30 to allow "rear lot subdivisions" by Special permit only in cases where a) an as-of-right subdivision plan exists as an alternative, or, b) one or more units of affordable housing will be provided.
- #225-01(3) ZONING & PLANNING COMMITTEE proposing a new section of the Ordinance governing rear lot subdivisions that would require explicit findings of specific public benefits and standards for mitigation of impacts that must be met before a special permit for this purpose could be granted.
- #332-03 ALD. LIPSITT requesting discussion of possible ordinance amendment to control construction of fences or walls on or near property lines.

BUSINESS NOT YET SCHEDULED FOR DISCUSSION:

- #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.
- #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.
- #59-03 ALD. SANGIOLO proposing amendments to Chapter 30-19 Section (j), *Lighting, Surfacing, and Maintenance of Parking Facilities.*

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- #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.
- #330-02 ALD. JOHNSON, BULLWINKLE, LINSKY requesting a discussion regarding revamping the home business ordinance to reflect current uses (allowable/not allowable).
- #234-02 ALD. PARKER & MANSFIELD requesting discussion of limits on restaurant hours, particularly with respect to criteria and procedures for granting exemptions.
- #128-02 ALD. JOHNSON & LINSKY requesting a discussion regarding protection of residential areas abutting Business and Manufacturing districts, e.g., required screening.
- #432-01 ALD. SANGIOLO proposing to add a definition for "recreational facilities" to Sec. 30-1.
- #373-01 ALD. SANGIOLO proposing an ordinance requiring setbacks for athletic fields and structures occupying athletic fields from abutting residential properties.
- # 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.
- #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.
- #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.
- #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 and

- #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.
- #287-01 ALD. SANGIOLO proposing an ordinance to require a permitting process for the construction of parking lots.
- #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.
- #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.
- # 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.
- #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.
- #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.
- #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.
- #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.
- #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.

ITEM REFERRED TO THE “INCLUSIONARY ZONING TASK FORCE:”

#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.

ITEM REFERRED TO THE 30-15 TASK FORCE:

#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.

ITEM REFERRED TO THE 30-15 TASK FORCE:

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

Respectfully submitted,

Brian Yates, Chairman