

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, FEBRUARY 23, 2004

Present: Ald. Lappin, Acting Chairman; Ald. Johnson, Sangiolo, Baker, Lennon, and Hess-Mahan; absent: Ald. Mansfield and Yates

Planning and Development Board members: Carol Beard, Lorraine Salvucci, Joseph DiDuca, and David Banash

City staff: Michael Baseman, Assistant City Solicitor; Juris Alksnitis, Chief Zoning Code Official; and Linda Finucane, Chief Committee Clerk

Public Hearings were opened on the following two 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.

ACTION: PUBLIC HEARING CONTINUED TO MARCH 8, 2004

NOTE: Chairman Yates had a family emergency and could not be present; however, the hearing was opened and Anatol Zukerman of 17 Noble Street, West Newton, spoke against the proposed amendment. He said the City should encourage not discourage multi-family housing. This amendment could have an impact on future development of affordable housing since promoting smaller multi-unit homes instead of so-called monster homes generates housing for more families. Several other members of the public present were confused about the proposal. (They were given copies of the Planning Department memorandum.) Since Ald. Yates wasn't present, members of the Committee and Planning & Development Board agreed to continue this hearing until March 8 to allow Ald. Yates to present the item and enable members of the public to understand exactly what effect its passage might have on their properties.

#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."

ACTION: APPROVED AS AMENDED 6-0

NOTE: Ald. Linsky explained he and Alderman Johnson are proposing to amend (4) of footnote 7 to expand the Board's intention in creating Floor Area Ratio (FAR) requirements for residential district. When the Board established FAR requirements it applied them to new construction and the conversion of single-family dwellings to two-family dwellings with large additions outside the existing envelope of the structure, but not for the most part to existing structures. Generally, development in multi-residence zones is controlled through the special permit process. However, there have been cases, one in particular in Ward 2, of a two-family dwelling being converted to a single-family dwelling with a large addition for a second unit

constructed outside the footprint evading the FAR requirement because the existing dwelling had had a “second unit” within the original building. Deleting the word “second” will broaden the application of the FAR requirement, making it applicable to as-of-right construction when new units are constructed outside the existing footprint. Ald. Linsky agreed with the Planning Department’s suggestion to clarify the amendment by adding the following bolded language to footnote 7:

“(4) in a multi-residence zoning district, 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.**”

Mr. Banash asked Mr. Baseman whether the additional language, should it be adopted, would require a new hearing. Mr. Baseman said the legal advertisement had clearly identified the item and the language suggested by the Planning Department was not beyond the scope of the advertisement. Alderman Johnson agreed the additional language clarified the intent of the docketers.

No member of the public spoke. After the public hearing was closed the Committee took the item up in working session and approved it, incorporating the language suggested by the Planning Department 6-0. The draft ordinance is attached.

The following items were taken up in Committee after the conclusion of the Public Hearings:
Re-appointment by His Honor the Mayor

#82-04 SAMUEL D. PERRY, 26 Old Orchard Road, Chestnut Hill, re-appointed as an Alternate member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term of office expiring January 1 2007 (4/2/04).

ACTION: APPROVED 6-0

NOTE: Mr. Perry was unable to be present; however, his original letter of interest in serving on the Chestnut Hill Historic District Commission was attached to the agenda. He has served on the Commission since its inception and brings to it an extensive background in historic preservation, having been active in a family-owned painting company that did all of Colonial Williamsburg. He has lectured, written articles, and served as an expert witness on historic paint finishes. Ald. Baker, who knows Mr. Perry well, moved his re-appointment, which was approved 6-0.

Re-appointment by His Honor the Mayor

#83-04 BARBARA WALES, 5 Rotherwood Road, Newton Centre, re-appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 2007 (4/2/04).

ACTION: APPROVED 6-0

NOTE: Ms. Wales was present. A realtor with Coldwell Banker, she fills that position on the Commission and as such is not required to live in the district; although, she is a former resident of Newtonville and was involved in the initial phase of transforming Washington Park to a passive recreation area. She feels the newest Commission is working well and as a realtor sees no downside, financial or otherwise, to an historic district. Ald. Johnson moved approval, which passed 6-0.

Re-appointment by His Honor the Mayor

#84-04 RODNEY BARKER, 49 Woodcliff Road, Newton Highlands, re-appointed as a member of both the NEWTON HISTORICAL COMMISSION and the NEWTONVILLE HISTORIC DISTRICT COMMISSION for terms of office expiring January 1, 2007 (4/2/04).

ACTION: HELD 6-0

NOTE: Mr. Baker has a teaching commitment Monday evenings and couldn't be present. Although Mr. Barker chaired this Committee when on the Board of Aldermen and more recently served on the School Committee, several members felt in fairness to all appointees that at least a resume should have been attached to the agenda. Ald. Johnson made a motion to hold the re-appointment, which motion passed 5-0-1, with Ald. Baker abstaining.

Re-appointment by His Honor the Mayor

#85-04 DONALD TELLALIAN, 19 Crystal Street, Newton Centre, re-appointed as a member of the NEWTON HISTORICAL COMMISSION for a term of office expiring January 1, 2007 (4/2/04).

ACTION: APPROVED 6-0

NOTE: Mr. Tellalian was present. An architect, who has served on the Commission for more years than he can remember, he praised Preservation Planner Lara Kritzer, pointing out the volume of demolition permit requests the Commission reviews. Oftentimes Ms. Kritzer will e-mail addresses of properties to members of the Commission who will in turn review them for appropriateness prior to being scheduled in an effort to shorten the agenda. Because Newton is such a desirable community in which to live, people are willing to pay exorbitant prices for modest homes, then often wish to tear them down or add inappropriate additions to create grander ones. Ald. Baker moved Mr. Tellalian's re-appointment, which passed 6-0.

Re-appointment by His Honor the Mayor

#86-04 LAWRENCE BAUER, 43 Eliot Memorial Road, Newton, re-appointed as an Alternate member of the NEWTON HISTORICAL COMMISSION for a term of office expiring January 1, 2007 (4/2/04).

ACTION: HELD 6-0

NOTE: Mr. Bauer, who has served on the Commission since its inception, was not present and there was no resume on file. Ald. Sangiolo moved hold, which passed 5-0-1, with Ald. Baker abstaining.

Re-appointment by His Honor the Mayor

#87-04 CLAUDIA SAUERMAN WU, 25 Sewall Street, West Newton, re-appointed as an Alternate member of the NEWTON HISTORICAL COMMISSION for a term of office expiring January 1, 2007 (4/2/04).

ACTION: APPROVED 6-0

NOTE: Ms. Wu also was not present, but her resume was attached to the agenda and she had recently been in front of the Committee on Community Preservation for appointment to the Community Preservation Committee. She is a consultant to non-profit historic preservation organizations, as well as government agencies, having worked for many years at the National Trust for Historic Preservation. Ald. Sangiolo moved her re-appointment, saying Ms. Wu was an able member of both the Historical Commission and the CPC. The Committee agreed 6-0.

Appointment by His Honor the Mayor

#88-04 TABETHA McCARTNEY, 41 Annawan Road, Waban, appointed as an Alternate member of the PLANNING & DEVELOPMENT BOARD, filling the unexpired term of Glenn Vanaman, for a term of office expiring February 1, 2006 (4/2/04)

ACTION: HELD 6-0

NOTE: Ms. McCartney was not present.

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.

ACTION: HELD 6-0

NOTE: It is Ald. Yates' intention to move No Action Necessary on this item; however, the Committee held it as a courtesy to allow him to do so.

All other items were held without discussion and the meeting was adjourned at approximately 9:15 PM.

Respectfully submitted,

Cheryl Lappin, Acting Chairman

