

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, MARCH 8, 2004

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

Planning Board members: Roger Wyner (Chairman), Lorraine Salvucci, David Banash, and Joyce Moss

Comprehensive Advisory Planning Committee members: Phil Herr (Chairman) and Glenn Morris

Urban Design & Beautification Commission members: Rich Griffin (Chairman) and James Doolin

Historical Commission: John Rodman (Chairman)

City staff: Mike Kruse (Director of Planning & Development), Juris Alksnitis (Chief Zoning Code Official), Michael Baseman (Assistant City Solicitor), Eric Jerman (Senior Planner), Nancy Radzevitch (Chief Planner), Lara Kritzer, Preservation Planner, Linda Finucane (Chief Committee Clerk)

**The Public Hearing opened on February 23, 2004 was continued and closed on the following item:**

#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: HELD 6-0

NOTE: This item is a follow-up to items filed by Alderman Yates in 2000 in a futile attempt to prevent the over development of older smaller lots. He focused on Ohio Avenue in Upper Falls but feels that the problem is citywide. In 1953, the minimum lot size in the predecessor of the Multi-family 1 district was set at 10,000 square feet. However, there were many lots established prior to 1953 in the multi family districts that contained small one- and two-family homes on much smaller lots. In order to spare the owners of these properties from becoming non-conforming, they were made conforming based on the pre-existence of the lots. In the last few years, some ingenious developers realized that these older lots with small one-family homes on them could be purchased upon owners' death or illness. New two-family homes could be built as uses of right subject to the more generous density standards. The net result is large houses in neighborhoods of small houses and small lots on lots that have been below standard for more than fifty years. Alderman Yates cited the example of the house at the corner of Ohio and Pennsylvania and the house next to it on Pennsylvania as buildings that are too large for their lots as well as larger than any of the surrounding homes. In contrast, the other new two-family house on Ohio Avenue though larger than its neighborhoods is more tolerable because it is set on a

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two-family lot that meets the minimum lot area set fifty years ago. Architect Anatol Zuckerman spoke against the item because it would hold down density in the city, and increased density would allow for more urban amenities. The item was held along with several of the design items below.

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: APPROVED 6-0

NOTE: Ms. McCartney holds an MBA from the Wharton School. She has been a banker with a keen interest in lending for multi-residential development. When she stepped down as Treasurer of the Second Step, she mentioned her interest in continued community service to the Mayor and he appointed her to this position. The Committee was very impressed with her resume (included with the meeting agenda) and voted 6-0 to approve her appointment.

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: APPROVED 6-0

NOTE: The Committee is well acquainted with former Committee Chair, former Alderman, and former Alderman Barker. Nevertheless, his resume provided even more detailed information and demonstrated his knowledge of historic issues. The Committee voted 6-0 to approve his re-appointments.

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: APPROVED 6-0

NOTE: Mr. Bauer's resume also provided additional information to those who only knew part of his professional background and record of community service. He is a former Chair and Secretary of the Historic Commission. When he attempted to resign from the Commission because of inability to make many night meetings, the other members insisted that he stay on in a minimal capacity so that his 26 years of institutional memory and professional expertise not be lost. He agreed. He has been extremely active in the work of the Public Buildings Preservation Task Force, working with Public Buildings Commissioner Nick Parnell to find and remedy the leak from the War Memorial Rotunda that was damaging the dioramas and working with Task

Force Chair Susan Basham to prepare the application for Community Preservation Act funding of City Hall lights, windows, and painting. He has prepared a complete inventory of needed historic preservation actions at City Hall that can be accessed at the main city web site or directly at <http://www.ci.newton.ma.us/CPC/cityhall/03Jul11CityHallProjectsNarrative.pdf>. The Committee was extremely impressed at Mr. Bauer's professional expertise and community service as demonstrated on his resume and voted 6-0 to confirm his appointment.

**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: NO ACTION NECESSARY 6-0

NOTE: Alderman Yates moved No Action Necessary on this original item from the 2000 Ohio Avenue controversy since the item that had been heard covered the same subject matter. The Committee gratefully agreed 6-0.

#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.

ACTION: HELD 6-0

#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.

ACTION: HELD 6-0

#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.

ACTION: HELD 6-0

NOTE: After the Planning Department had presented the materials on these items that they have found from other communities and that were included in the memorandum in the packet, the committee was uncertain how to proceed. Though clearly there were bad examples of Snout houses on Tanglewood Road and bad design elsewhere in the city (Alderman Johnson cited examples in her neighborhood), the members had mixed feelings on how tightly to regulate such subjects. Finally the Committee asked the Planning Department to try to find a way to prohibit snout houses to a certain degree by specific regulations but allow the guidelines to be waived by special permit and to try out Design Review Guidelines in Alderman Johnson's neighborhood.

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The Planning Department hoped to have some more information by the second meeting in April. These three items and the heard item were voted 6-0 to be held.

#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 that is in whole or in part 100 or more years old.

ACTION:     HELD 6-0

NOTE: Alderman Gentile said that this item as docketed might be more extreme than what he really wanted, but he had filed it as a means of beginning discussion on two problems he had observed. Some obviously non-historic accessory buildings or new additions wind up before the Commission and are promptly dismissed after a brief but a very long wait. He wanted to know if there was not some way to exclude such obvious non-historic items from the full review. Ms. Kritzer and Mr. Rodman explained that currently she could dismiss such items with the concurrence of two Commission members and a site visit. However, the brief time between meetings and filings often makes this impossible. The Committee asked them to find some way to alter the ordinance or regulations to reduce the burdens on owner, Commission and staff alike.

Alderman Gentile also asked if some fixed date could not be set for the construction of properties subject to demolition delay. Mr. Rodman didn't think there was any appropriate date. Ms. Kritzer pointed out that most of the properties in the city had already passed the fifty-year threshold so there would be no large influx of properties subject to review. They agreed to think over the possibility.

With these action steps underway that might meet Alderman Gentile's concern, the Committee agreed to hold the item.

All other items were held without discussion and the meeting was adjourned at approximately 10:40 PM.

Respectfully submitted,

Ald. Brian Yates, Chairman