

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE AGENDA

MONDAY, MARCH 22, 2004

7:45 PM

Aldermanic Chamber

**Public Hearings will be held in conjunction with the Planning Board on the following two items:**

- #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.

**Although there is no statutory requirement for a public hearing, the Committee will take public comment on the following item:**

- #332-03     ALD. LIPSITT requesting discussion of possible ordinance amendment to control construction of fences or walls on or near property lines.

**Following the public hearings, the Committee will convene in room 202 to take up the following items and if time permits discuss the hearing items:**

Re-appointment by His Honor the Mayor

- #115-04     ROGER MATTHEWS, 44 Concolor Road, Newton, re-appointed as a member of the CONSERVATION COMMISSION for a term of office expiring April 20, 2007(60-day Board action 4/17 /04). **See attached.**

Appointment by His Honor the Mayor

- #116-04     SUSAN LUNIN, 22 Shaw Street, West Newton, appointed as a member of the CONSERVATION COMMISSION for a term of expiring on May 1, 2007 (60-day Board action 4/17/04). **See attached.**

Appointment by His Honor the Mayor

- #117-04     DAVID STEIN, 29 Sylvan Avenue, West Newton, appointed as an Alternate member of the PLANNING & DEVELOPMENT BOARD filling the vacancy left by Ernest Siciliano, for a five-year term expiring February 1, 2009 (60-day Board action 4/17/04). **See attached.**

Appointment by His Honor the Mayor

#118-04 WAYNE S. KOCH, 64 Greylock Road, Newtonville, appointed as an Alternate member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 2006 (60-day Board action 4/17/04).

**NEW BUSINESS NOT YET SCHEDULED FOR DISCUSSION:**

#152-04 ALD. SANGIOLO proposing that Chapter 30 be amended by adding a definition of “kitchen facilities.”

#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.

**BUSINESS SCHEDULED FOR MARCH 29, 2004**

# 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.

#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.

#234-02 ALD. PARKER & MANSFIELD requesting discussion of limits on restaurant hours, particularly with respect to criteria and procedures for granting exemptions.

**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.

**BUSINESS SCHEDULED FOR APRIL 12, 2004:**

#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.

**BUSINESS SCHEDULED FOR APRIL 26, 2004:**

Budgets for Inspectional Services and Planning & Development Departments

**BUSINESS SCHEDULED FOR MAY, 2004:**

#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.

#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 NOT YET SCHEDULED FOR DISCUSSION:**

#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:

Rochester Road

45 (SBL 13-20-41)  
49 (SBL 13-20-42)  
53 (SBL 13-20-43)  
54 (SBL 13-20-45)  
48 (SBL 13-20-47)

Langdon Street

140 (SBL 13-8-9)  
134 (SBL 13-8-8)  
126 (SBL 13-8-6)  
118 (SBL 13-8-5)  
100 (SBL 13-9-12)  
92 (SBL 13-9-11)

Surrey Road

22 (SBL 13-9-9)  
28 (SBL 13-9-10)

Laudholm Road

4 (SBL 13-9-13)  
10 (SBL 13-9-14)  
21 (SBL 13-8-4)

27 (SBL 13-8-3)

35 (SBL 13-8-2)

Westchester Road

91 (SBL 13-20-29)

99 (SBL 13-20-30)

104 (SBL 13-8-8)

110 (SBL 13-18-7)

Cabot Street

114 (SBL 13-18-14)

108 (SBL 103-18-15)

102 (SBL 13-18-16)

121 (SBL 13-18-1)

129 (SBL 13-8-10)

- #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*.
  
- #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).
  
- #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.
  
- #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.
- #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 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.

Respectfully submitted,

Brian Yates, Chairman