

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, MARCH 22, 2004

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

Planning and Development Board members: Roger Wyner (Chairman), Chris Dame, Carol beard, Lorraine Salvucci, and Joseph DiDuca

City staff: Mike Kruse (Director of Planning & Development), Juris Alksnitis (Chief Zoning Code Official), Michael Baseman (Assistant City Solicitor), Linda Finucane (Chief Committee Clerk)

**Public Hearings were held in conjunction with the Planning & Development 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.

ACTION:      HELD 7-0

#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.

ACTION:      HELD 7-0

NOTE: Former Alderman Lipsitt was away. Hearings were opened on both proposals.

Birgul Erenkil, of 75 Cragmore said rear lots should be subject to the mitigation proposed in item #225-01(2). Albert Novenski of the same address also spoke.

Attorney William Shaevel of Shaevel & Krems spoke in opposition to #542-03. Mr. Shaevel feels that given the paucity of land remaining to subdivide the current protections are adequate to ensure public convenience and welfare, particularly in regard to an appropriate location and access of vehicles. The Planning Department memorandum estimates there are approximately 178 lots, maximum, left that might be subdivided and taking topographical features into consideration, probably only about 10%, of 1.1 rear lots per year could be developed (a figure consistent with developments from 1991-2003). As for the proposed affordability requirement, Mr. Shaevel noted it made no sense to require 1 of 2 units to be

affordable because it would cost more to build the second unit, with no return, and no one would do so. (The inclusionary zoning ordinance already covers larger developments of 6-8 units.) He also pointed out the major expense involved in having full construction plans drawn up for something for which there is no guarantee. He agreed a two-tier system, as-of-right or special permit might work but, in his opinion, the advertisement had been too broad for the Board to enact it under this proposal.

Philip Herr, 20 Marlboro Street, spoke in favor of mitigation and a two-tier process with specific rules to make clear what the city is seeking, but not so complex that there is no flexibility, e.g., requiring stamped architectural plans. He has experience in subdivisions in other communities and was asked by Chris Dame to work with the Planning Department to find out how it has worked in other communities, including the inclusionary component. A memo from Mr. Herr was attached to the Planning Department memorandum. Alderman Baker noted Mr. Herr's chief difference appeared to be the complexity of the proposed rules and asked to see an earlier proposal written by Mr. Herr.

Joe Porter of VTP Associates, a surveying and engineering firm, also spoke against the amendments.

**The Committee held a public hearing 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.

ACTION:      HELD 7-0

NOTE: Birgul Erenkil, of 75 Cragmore said there is a purpose for walls and fences and that they often address real problems such as a garage on a property line.

George Foord, 130 Winslow Road, is opposed to the ordinance as drafted. Mr. Foord had had an issue with a neighbor over hedges on his property line and feels strongly that green fences should be included. He submitted several sets of material to the committee, including MGL Chapter 49, which in his opinion prohibits fences over 4'.

Anatol Zukerman, 17 Noble Street, agreed that green fences should be included.

Philip Herr said this is an enormously complex subject. He is concerned about visibility, particularly at intersections, and about the height of fences on a wall or hill.

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.**

ACTION:      APPROVED 6-0 (Sangiolo not voting)

NOTE: Mr. Matthews joined the committee. He has spent a decade on the Conservation Commission, recently resigning from the Economic Development Commission because of time constraints. He enjoys the Conservation Commission because its statutory authority actually has

an impact on citizens' lives. Ald. Baker moved approval of Mr. Matthews re-appointment, which passed unanimously.

Re-appointment by His Honor the Mayor

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

ACTION:        APPROVED 6-0 (Sangiolo not voting)

NOTE: Mr. Lunin was present. A science teacher, she has an interest in issues concerning the environment. Alderman Johnson noted that her children had enjoyed the Environmental Science Program that Ms. Lunin has participated in for many years. Ald. Johnson moved approval of Ms. Lunin's re-appointment, which passed unanimously.

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).

ACTION:        APPROVED 6-0 (Sangiolo not voting)

NOTE: Mr. Koch was present. An architect, he is replacing Patricia Reiter. Ald. Johnson welcomed him and moved approval of his appointment, which passed unanimously.

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).

ACTION:        HELD 6-0 (Sangiolo not voting)

NOTE: Mr. Stein was not present.

All other items were held without discussion and the meeting was adjourned at approximately 9:45 PM.

Respectfully submitted,

Brian Yates, Chairman