

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, APRIL 12, 2004

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

Also present: Ald. Merrill

City officials: Michael Baseman, Assistant City Solicitor; Michael Kruse, Director of Planning and Development; Juris Alksnitis, Chief Zoning Code Official; and Roger Wyner, Chairman, Planning and Development Board

#167-04 HIS HONOR THE MAYOR requesting Board of Aldermen acceptance of an Historic Preservation Restriction Agreement in favor of the National Architectural Trust, Inc., a not for profit organization, to preserve the historic Greek Revival-style residence at 1734 Beacon Street.

ACTION: APPROVED 7-0

NOTE: The owners of 1734 Beacon Street, Leo and Betty Parnes, and William Moonan of the National Architectural Trust were present to explain the item. Attorney Baseman had discussed the matter with Assistant Solicitor Gayle Smalley who had prepared the preservation easement. The Parneses are very proud of their beautiful Greek Revival house on the southern side of Beacon Street going from the Angier School to Washington Street. Alderman Yates knows the house well from the many meetings of the Ward Five Democratic Committee there. (Mrs. Parnes and he are former Committee Chairs). The Parnes had submitted the House for designation as a City Landmark. The Newton Historic Commission had designated it after research on the beauty of the structure and its role in the history of Waban; its original owner, Frederick Collins, had owned much of Waban back in its rural days. The only real question was procedural. If the easement went to the National Architectural Trust, why did the city have to approve it and why would Alderman Baker sign it rather than Mayor Cohen? The city approval is a legal requirement, and Alderman Baker's name was mistakenly placed on the form by a Mass. Historic Commission staffer who thought Newton was a town and that Alderman Baker was the chief Executive Officer as Chief Selectman, not President of the Board of Aldermen. The Committee voted 7-0 to approve the easement. Mr. Moonan noted that a few more were under review. His program brochure (attached) said that any contributing property in a National Register Landmark District was eligible, not just distinctive individual properties. He was surprised and skeptical to learn that Newton has more than a dozen National Register Districts with hundreds of properties, but said he'd keep an open mind.

Re-appointment by His Honor the Mayor

#165-04 IRA WALLACH, 5 Broken Tree Road, Newton Centre, re-appointed as member of the CONSERVATION COMMISSION for a term to expire on April 30, 2007 (60-day Board action 6/5/04).

ACTION: APPROVED 7-0

NOTE: Although Mr. Wallach was not present, he is a longstanding member of the Conservation Commission who is well known to Alderman Sangiolo and other Committee Members. His resume was also available. Alderman Sangiolo's motion to approve his re-appointment was approved 7-0.

Appointment by His Honor the Mayor

#166-04 GLORIA GAVRIS, 21 Monadnock Road, Chestnut Hill, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION, for a term to expire on June 7, 2007 (60-day Board action 6/5/04).

ACTION: HELD 7-0

NOTE: Since Ms. Gavis is a new appointee who is not known to any members of the Committee, her appointment was held 7-0.

#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. **(Hearing held 2/23/04; 90 days 5/23/04)**

ACTION: HELD 7-0

NOTE: Alderman Yates again presented his concern that the current zoning of older smaller lots (below 10,000 square feet, the minimum for fifty years) gives developers the opportunity to demolish the existing houses on those lots and double the intensity of the use. Photographs of monster homes on Ohio Avenue in Upper Falls demonstrated his point. He also cited Wayland's status in the current issue of Boston Magazine as the second best housing value in the state because it had prevented substantial numbers of teardowns, allowing people of different income ranges to enjoy the quality of life in the town in a wide range of housing types. The Planning Department said that 30 of the 108 lots in the Bowen-Thompsonville Study Area contained single-family homes on older smaller lots zoned Multi-Residence. They doubted that many of these were subject to teardowns because they were more substantial houses than the capes and ranches that usually fall victim to teardowns. Alderman Yates asserted that the ability to construct an entire second unit made demolition of such structures feasible. A straw vote on the item passed 3-0-4 with Yates, Baker, and Johnson voting in favor and Lennon, Lappin, Sangiolo, and Hess-Mahan abstaining. Some of those abstaining wanted the chance to explore the possible impact of the ordinance in their Wards so the Committee voted 7-0 to hold the item to allow them to do so.

#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. **(Hearing held 3/22/04; 90 days 6/20/04)**

ACTION: HELD 7-0 –SEE #225-01(3)

#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. **(Hearing held 3/22/04; 90 days 6/20/04)**

ACTION: HELD 7-0

NOTE: Alderman Yates raised the question of why we needed to make any changes in the current ordinance at all if it meets the standard apparently sought by most Aldermen of retaining the ability to grant such permits on a case by case basis. Alderman Hess-Mahan felt that making such decisions without specific standards was unfair. Most Committee members agreed that we should proceed with the items. Alderman Yates ruled that a two-tier system with the lower tier of rear lot subdivisions by right was not properly before us in these two items and thus would require a new public hearing. Mr. Alksnitis distributed a spreadsheet of analysis of various rear lot subdivisions that the Board had previously approved (attached). The Committee asked him to expand the analysis to include other factors and to include some rejected subdivisions (Randlett Park, etc.) The Committee then voted 7-0 to hold both items.

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

ACTION: NO ACTION NECESSARY 7-0

NOTE: Since the law Department had provided a legal opinion confirming the oral one that this topic was preempted by state law, the Committee voted No Action Necessary 7-0.

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

ACTION: HELD 6-0 (Johnson not voting)

NOTE: Alderman Yates asked if the visual impact of fences justified such an item. Mr. Kruse said that it did and cited a letter in the Tab (attached) as well as Alderman Lipsitt's opinion. Alderman Hess-Mahan said that perimeter fences along major roads with narrow sidewalks did in fact constitute a safety issue. The Committee made various suggestions for the Planning Department to take into consideration in revising the draft. The Committee voted 7-0 to hold the item until the changes could be made.

Respectfully submitted,

Ald. Brian Yates, Chairman

Attachments

National Architectural Trust Brochure

Letter from Newton Tab on Fences

Analysis of Approved Subdivisions

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