

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE MEETING

MONDAY, MAY 10, 2004

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

City staff: Juris Alksnitis, Planning; Michael Baseman, Law, Linda Finucane, Clerk

Also present: Attorney Jason Rosenberg

#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: This item was held without discussion,

#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: MOTION FOR NO ACTION NECESSARY FAILED 2-4 (Hess-Mahan, Johnson, Baker, Lennon opposed)

#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 6-0

NOTE: These two items on rear lot subdivisions were discussed together. Mr. Alksnitis presented the new Planning Department memo that pointed out that almost all of the rear lot subdivisions that have passed the Board lately would have been turned down on some or all of the proposed standards. It was eventually decided to have the Planning Department analyze the status of some of these items with standards developed in the discussion relating to the density of the lot to be developed that would serve as thresholds to allow the owners to apply. Additional standards around the ability of the proposed development to be adequately screened from

surrounding properties based on topography and amount and type of proposed screening and the possibility of an affordable housing unit would have to be considered as well in the granting of a special permit. It was acknowledged that the existence of alternative subdivisions by right was almost never the case. That analysis and legal language to implement it will be available before the next Committee meeting on May 24. Both items were held 6-0.

#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 3/8/04; 90 days 6/6/04)**

ACTION: NO ACTION NECESSARY 5-0-1 (Baker abstaining)

NOTE: The Law Department stated unequivocally that this item would violate the legal doctrine of uniformity that requires all properties similarly situated in the same district to be treated the same. Aldermen Yates and Baker were not convinced of the validity of this analysis. However, since Mr. Baseman and Attorney Jason Rosenberg stated that a reduction in the floor area ratio for all properties in Multi-Residence Districts with lots of less than 10,000 square feet would definitely be legal, Alderman Yates agreed to accept Alderman Sangiolo's motion of No Action Necessary, which passed 5-0-1, with Alderman Baker abstaining.

Respectfully submitted,

Brian Yates, Chairman

Attachments: Planning Department memo re #225-01(3) and #542-03
§ 4. Uniform districts, of Chapter 40A