

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, MAY 24, 2004

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

Absent: Ald. Lennon and Mansfield

Also present: Ald. Merrill

City staff: Juris Alksnitis, Alexandra Ananth, and Mike Kruse (Planning); Michael Baseman (Law)

#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: APPROVED 5-0-1 (Lappin abstaining)

#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 6-0

NOTE: Please see Chairman’s memo dated 6/4/04.

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

ACTION: APPROVED 4-0-1 (Yates abstaining; Lappin not voting)

NOTE: At its meeting on April 12, the Committee began discussing this item. Alderman Yates raised the question of the necessity of this item, particularly when fences that affect traffic visibility can theoretically be regulated under an existing section of the Ordinance. Alderman Hess-Mahan said that as a frequent walker, he agrees with the sentiment that fences along some roads have created a walled in effect for pedestrians and blocks views of properties to an unreasonable extent. Despite acknowledging of the legitimacy of some fence uses to keep children and animals in yards or other people's out of one's own yard and to cut off traffic glare into houses, the majority of Committee members agreed with this sentiment. Various concepts were suggested to the Planning Department for amendment of their first draft.

The second draft was presented to the Committee in a memo dated May 21. The Planning Department incorporated illustrations; clarified the definition of "repair;" inserted language re limited access fences up to 12 ' in height along MBTA lines; included limiting the height of fences bordering side lot lines and front lot lines; and, included a provision relative to the State Building Code and the enclosure of private swimming pools.

The following further changes were made at the meeting on May 24:

- The term "perimeter fence" is used wherever possible.
- Loosened restrictions on fences near Transit and Railroads were separated from those near limited access highways. (An effort by Alderman Yates to allow higher fences by right along Route 9 where many fences exist now was rejected by the Committee.)
- Hardship exemption provisions were added.
- Fences along front perimeters should grade smoothly to the height of lower side fences.
- The portions of fences over four feet should be open in design.

After extensive discussion, the draft as amended was passed 5-0-1, with Ald. Yates abstaining.

All other business was held without discussion.

Respectfully submitted,

Brian Yates, Chairman