

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE AGENDA

Monday, August 2, 2004

Room 202

7:45 PM

**BUSINESS TO BE DISCUSSED:**

Appointment by His Honor the Mayor

#302-04      JEFFREY R. RIKLIN, 37 High Street, Newton Upper Falls, appointed as a RESIDENT member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION to fill the unexpired term of Steven Flynn, whose term of office expires July 31, 2005 (60 days 9/10/04).

Re-appointment by His Honor the Mayor

#303-04      DONALD TELLALIAN, 19 Crystal Street, Newton Centre, re-appointed as a member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 2007 (60 days 9/10/04).

Re-appointment by His Honor the Mayor

#304-04      CAROLE DeJONG, 33 Old Orchard Road, Chestnut Hill, re-appointed as an ALTERNATE member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term of office expiring July 31, 2007 (60 days 9/10/04).

Re-appointment by His Honor the Mayor

#305-04      JOHN WYMAN, 47 Old Orchard Road, Chestnut Hill, re-appointed as a member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term of office expiring July 31, 2007 (60 days 9/10/04).

#301-04      CONSERVATION COMMISSION requesting Board of Aldermen acceptance of a Conservation Restriction preserving an undeveloped portion of "The Residences" on Boylston Street (Bradford Development Corporation Special Permit nos. 514-99 and 515-99).

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#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: **(Hearing held 6/14/04; 90 days 9/12/04)**

ADDRESS	SBL	LOT AREA (sq. ft.)
<u>CLAREMONT STREET</u>		
00	13-09-05A	4,397 (partial)

<u>CABOT STREET</u>		
114	13-18-14	4,332 (partial)
121	13-08-01	10,873
129	13-08-10	8,793

<u>LANGDON STREET</u>		
92	13-09-11	8,808
100	13-09-12	16,176
118	13-08-05	8,970
126	13-08-06	7,563
134	13-08-08	8,512
140	13-08-09	7,524

<u>LAUDHOLM ROAD</u>		
4	13-09-13	7,950
10	13-09-14	9,350
16	13-09-15	4,428 (partial)
21	13-08-04	8,380
27	13-08-03	7,360
35	13-08-02	7,792

<u>ROCHESTER ROAD</u>		
48	13-20-47	10,433 (partial)
49	13-20-42	6,144 (partial)
53	13-20-43	8,685
00	13-20-46	3,213
54	13-20-45	10,137
58	13-20-44	18,927 (partial)

<u>SURRY ROAD</u>		
22	13-09-09	11,833
28	13-09-10	8,540

<u>WESTCHESTER ROAD</u>		
91	13-20-29	10,040
99	13-20-30	5,597 (partial)

**BUSINESS NOT YET SCHEDULED FOR DISCUSSION:**

- #306-04 ALD. SANGIOLO & JOHNSON on behalf of George Foord proposing either an amendment or new ordinance re living fences.
- #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)**
- #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)**  
ZONING & PLANNING APPROVED 5-0-1 (Lappin abstaining) on 5/24/04  
HELD IN COMMITTEE on 6/7/04
- #264-04 ALD. JOHNSON, SANGIOLO, HESS-MAHAN, LINSKY recommending that Section 30-24(f). Inclusionary Zoning, as most recently amended by Ordinance X-48 on April 22, 2003, be further amended based on its first application to the Christian Science Church redevelopment at 391 Walnut Street.
- #292-04 ALD. SANGIOLO, HESS-MAHAN, HARNEY proposing the FAR calculation of half-story be amended in Chapter 30.
- #432-01 ALD. SANGIOLO proposing to add a definition for “recreational facilities” to Sec. 30-1. **(Hearing held 6/14; 90 days 9/12/04)**
- #242-04 ALD. YATES proposing that §30-15 be amended by reducing to .35 the FAR for lots that contain 10,000 square feet or less located in Multi Residence districts. **(Hearing held 6/14; 90 days 9/12/04)**
- # 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.

**REFERRED TO ZONING & PLANNING & FINANCE COMMITTEES**

- #168-02 HIS HONOR THE MAYOR requesting that the Board of Aldermen establish new civil fines under Section 20-21 of the City of Newton Ordinances for the violation of various environmental provisions enforced by the Conservation Commission.

#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.

#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.

**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.

#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.

**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.

#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.

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- #46-04 ALD. YATES requesting a report from the *Economic Development Commission* concerning their plan for the redevelopment of Newton Centre.
- #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.
- #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.
- #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