

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, NOVEMBER 29, 2004

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

Absent: Ald. Danberg, Lappin, Lennon, and Sangiolo

Also present: Ald. Linsky

City staff: Steve Gartrell (Associate Director of Community Development), Juris Alksnitis (Chief Zoning Code Official), Michael Baseman (Assistant City Solicitor), Linda Finucane (Chief Committee Clerk)

#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. **(Hearing closed 11/8/04; 90 days 2/6/05)**

ACTION: HELD 4-0

NOTE: Associate Director of Community Development Steve Gartrell presented a power point presentation (attached) on the Inclusionary Zoning Ordinance, the clean-up amendments proposed, and the additional clean-up amendments proposed by the Planning Department. The only major point of contention was the provision relating to off-site development of sites. Alderman Yates was concerned that forcing the use of non-profits might not be appropriate in all cases of off-site development. It was explained that the use of non-profits for off-site development was optional. The linkage of the off-site units' completion to the Certificate of Occupancy for the Main Development was questioned. How can we be sure that the off-site units are completed? Won't the required site control and financing guarantee completion? What if factors beyond control of either developer prevent completion? Planning and Law will present suggested ways to approach these issues at the working session on December 13. (Since the Public Hearing on this item only closed two weeks ago, more time is available.)

ITEM HELD IN COMMITTEE ON 11/15/04:

#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 closed 9/27/04; 90-days 12/26/04); APPROVED 5-0-1 (Lappin abstaining; Danberg not voting) on 11/8/04)**

ACTION: APPROVED 4-0

NOTE: Chief Zoning Code Official Juris Alksnitis and Assistant City Solicitor Michael Baseman presented a draft of this ordinance including changes voted at the last working session.

The primary changes were the addition of the term “structures with accessory purposes” at various locations and a changed title and deletion of another section to make it clear that rear lot subdivisions would only be allowed in residential districts. There was extended debate on how broad the definition of an historic property that could qualify an owner to seek a rear lot subdivision should be. All agreed that a property listed on the National or State Registers of Historic Places or designated as a City Landmark should qualify. There was disagreement as to whether eligibility for the National Register as determined by the Massachusetts Historic Commission should be allowed. Aldermen Baker and Johnson felt it would broaden the number of eligible sites too far. Alderman Yates felt that some property owners might have previously sabotaged a requested for listing leaving a new owner with a long application process to turn eligibility into listing. Alderman Hess-Mahan wasn't sure. The more restrictive definition was to be used. (Alderman Hess-Mahan later decided a broader definition was appropriate and will include a floor amendment in the packet.) The rear lot item was approved as amended 4-0.

Re-appointment by His Honor the Mayor

#378-04 ROBERT L. REIMER, 24 Pickwick Road, Waban, re-appointed as a FENCE VIEWER for a term of office which will expire on January 31, 2007 (60-day BOA action 11/19).

ACTION: HELD 4-0

NOTE: The Committee held his re-appointment since he continues to serve and his input on the Living Fence Ordinance will be sought.

Re-appointment by His Honor the Mayor

#436-04 TRUDY ERNST, 162 Waban Avenue, Waban, re-appointed as an Associate member of the ZONING BOARD OF APPEALS for a term to expire on September 1, 2005 (60-days 1/17/05).

ACTION: APPROVED 4-0

Re-appointment by His Honor the Mayor

#437-04 HARVEY CREEM, 110 Huntington Road, Newton, re-appointed as an Associate member of the ZONING BOARD OF APPEALS for a term to expire on September 30, 2005 (60-days 1/17/05).

ACTION: APPROVED 4-0

Re-appointment by His Honor the Mayor

#438-04 WILLIAM STEIN, 103 Levbert Road, Newton Centre, re-appointed as an Associate member of the ZONING BOARD OF APPEALS for a term of office to expire on September 30, 2005 (60-days 1/17/05).

ACTION: APPROVED 4-0

Re-appointment by His Honor the Mayor 11/24/03

#439-04 JOSEPH COSGROVE, 125 Shornecliffe Road, Newton, re-appointed as an Associate member of the ZONING BOARD OF APPEALS for a term to expire on September 1, 2005 (60-days 1/17/05).

ACTION: APPROVED 4-0

NOTE: Although the ZBA reappointments were not present, they had appeared before the Committee only a year ago, their resumes were attached to the Agenda, and Committee members were familiar with them and had no concerns about their performance, they voted unanimously to confirm their re-appointments.

(The next night several of the appointees were observed performing their duties diligently at the ZBA hearing by Aldermen Yates, Sangiolo, Samuelson, and Harney.)

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

Respectfully submitted,

Brian Yates, Chairman