

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE AGENDA

MONDAY, DECEMBER 13, 2004

7:45 PM  
Room 202

**BUSINESS TO BE DISCUSSED:**

Appointment by His Honor the Mayor

#459-04 GORDON A. MARTIN, 31 Grant Avenue, Newton Centre, appointed as an ASSOCIATE member of the ZONING BOARD OF APPEALS for a term to expire on September 1, 2005 (60-days 2/4/05).

**RESUME ATTACHED.**

**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.

**DRAFT ORDINANCE ATTACHED.**

#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)**

**BUSINESS NOT YET SCHEDULED FOR DISCUSSION:**

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).

#440-04 ALD. JOHNSON, BAKER & LAPPIN proposing a definition of “accessory structure” which will include mechanical equipment.

#432-01 ALD. SANGIOLO proposing to add a definition for “recreational facilities” to Sec. 30-1. **(Hearing closed 9/27/04; 90-days 12/26/04)**

- #376-04 ALD. YATES requesting an amendment to Sec. 22-75 to allow the Economic Development Commission to exercise all the powers of an economic development and industrial corporation under Chapter 121 C of the General Laws upon a finding by the Board of Aldermen that there exists in the city conditions of unemployment or threat of future unemployment.
- #354-04 ALD. BAKER AND SANGIOLO proposing that the Zoning Ordinances be amended in order to address building mass and height, better reflect usable floor area in attic and basement spaces, clarify measurement of building height when the roof line is changed, address upper story additions involving dormers and finished attic areas, and address large additions significantly increasing building size and mass, through amending the following provisions including but not limited to Section 30-1 definitions pertaining to “attic”, “height”, “story, half”, “floor area, gross”, “space, habitable”, adding new definitions as appropriate pertaining to dormers and roof types, and amending Section 30-15, Table 1, Footnote 7(3) pertaining to calculation of FAR in the case of existing structures and such other related provisions as may apply.
- #334-04 ALD. HESS-MAHAN proposing that Sections 30-1, 30-8(d) and 30-9(h) relative to accessory apartments be amended.
- #306-04 ALD. SANGIOLO & JOHNSON on behalf of George Foord proposing either an amendment or new ordinance re living fences.
- #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.
- #292-04 ALD. SANGIOLO, HESS-MAHAN, HARNEY proposing the FAR calculation of half-story be amended in Chapter 30.
- # 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.
- #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.
- #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.

ZONING AND PLANNING COMMITTEE AGENDA

December 13, 2004

Page 4

- #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