

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, DECEMBER 13, 2004

Present: Ald. Yates (Chairman), Ald. Lappin, Hess-Mahan, Johnson, Lennon, and Danberg;
absent: Ald. Baker and Sangiolo; also present: Ald. Parker
City staff: Martha Horn (Environmental Planner), Steve Gartrell (Associate Director of
Community Development), Juris Alksnitis (Chief Zoning Code Official), Michael Baseman
(Associate City Solicitor), Linda Finucane (Chief Committee Clerk)
Also: Douglas Dickson, Conservation Commission

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).

ACTION: APPROVED 6-0

NOTE: Judge Martin is an Attorney from Newton who was politically active before he was
appointed to the bench. His extensive judicial experience was outlined in a resume attached to
the agenda. Now that he is retired from the bench, he wants to continue to serve the public in the
quasi-judicial capacity of a ZBA Associate Member. After some discussion of the details of the
variance standard, the Committee voted unanimously to approve his appointment.

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.

ACTION: APPROVED 6-0

NOTE: Environmental Planner Martha Horn distributed samples of the enforcement letters that
she sends out to violators of Conservation Commission Ordinances and Measures. In most
cases, they result in compliance. However, in a few egregious cases, violators do not respond to
the letters, leaving her with the task of seeking enforcement in court. Courts generally are not
particularly concerned about such violations. The Commission believes that the ability to
impose fines via tickets will bring more violators into compliance. The Committee voted
unanimously to approve the tickets for the stipulated offenses.

#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: APPROVED 6-0

NOTE: Mr. Baseman, Mr. Gartrell, and Mr. Alksnitis explained the final changes to the draft amendments to the Inclusionary Zoning. Most were clarifications of various terms and provisions of the law. After discussion, the Committee voted unanimously to approve the item as amended and adjourned the meeting.

Respectfully submitted,

Brian Yates, Chair

Attachments:

Conservation Compliance letters and draft ordinance

Draft Inclusionary Zoning Ordinance