

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE AGENDA

MONDAY, JANUARY 13, 2003

7:45 PM  
ROOM 202

**BUSINESS TO BE DISCUSSED:**

APPOINTMENT BY HIS HONOR THE MAYOR

#496-02     MARK CHUDY, 34 Prescott Street, Newtonville, appointed as an ALTERNATE member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 2005 (60-day Board action 2/14/03).

APPOINTMENT BY HIS HONOR THE MAYOR

#497-02     RODNEY BARKER, 49 Woodcliff Road, Newton Highlands, appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 2004.

APPOINTMENT BY HIS HONOR THE MAYOR

#498-02     WENDY PANNEBAKER MATTHEWS, 44 Concolor Avenue, Newton, appointed as a member of the UPPER FALLS HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 2005.

Appointment by His Honor the Mayor

# 5-03     PATRICIA REITER, 424 Newtonville Avenue, Newtonville, appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 2005 (60-day Board action 03/07/03).

Appointment by His Honor the Mayor

# 6-03     ALLEN JOHNSON, 32 Ware Road, Auburndale, appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 2006 (60-day Board action 03/07/03).

Appointment by His Honor the Mayor

# 7-03     MARI A. WILSON, 30 Foster Street, Newtonville, appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 2006 (60-day Board action 03/07/03).

Appointment by His Honor the Mayor

# 8-03     CAROL WARNER, 26 Lowell Avenue, Newtonville, appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 200+5 (60-day Board action 03/07/03).

Appointment by His Honor the Mayor

# 9-03 BARBARA WALES, 5 Rotherwood Road, Newton Centre, appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 2004 (60-day Board action 03/07/03).

Appointment by His Honor the Mayor

# 10-03 ELLEN FITZPATRICK, 20 Foster Street, Newtonville, appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 2006 (60-day Board action 03/07/03).

Appointment by His Honor the Mayor

# 11-03 RALPH W. ABELE, 15 Page Road, Newtonville, appointed as an ALTERNATE member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 2006 (60-day Board action 03/07/03).

Appointment by His Honor the Mayor

# 12-03 NANCY GRISSOM, 7 Orris Street, Auburndale, appointed as an ALTERNATE member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 2005 (60-day Board action 03/07/03).

Appointment by His Honor the Mayor

# 13-03 HOWARD I. GOLDSTEIN, 15 Vincent Street, West Newton, appointed as an ALTERNATE member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 2005 (60-day Board action 03/07/03).

Re-Appointment by His Honor the Mayor

# 14-03 JOHN RODMAN, 40 Avondale Road, Newton, re-appointed on December 19, 2002 as a regular member of the NEWTON HISTORICAL COMMISSION and CHESTNUT HILL HISTORIC DISTRICT COMMISSION for terms to expire on January 1, 2006 (60-day Board action date 03/07/03).

Re-Appointment by His Honor the Mayor

# 15-03 LIVIU BRILL, 193 Oak Street, Newton Upper Falls, re-appointed on December 19, 2002 as a regular member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire on January 1, 2006 (60-day Board action date 03/07/03).

Re-appointment by His Honor the Mayor

# 16-03 MERLE WINER, 84 Valentine Street, West Newton, re-appointed on December 19, 2002 as an ALTERNATE member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire on January 1, 2006 (60-day Board action date 03/07/03).

Re-appointment by His Honor the Mayor

- # 17-03     SETA DER HOHANNESIAN, 14 Summer Street, Newton Upper Falls, re-appointed on December 19, 2002 as a regular member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire on January 1, 2006 (60-day Board action date 03/07/03).

Re-appointment by His Honor the Mayor

- # 18-03     CHARLES McMILLAN, 14 Crystal Street, Newton Centre, re-appointed on December 19, 2002 as a regular member of the NEWTON HISTORICAL COMMISSION for a term to expire on January 1, 2006 (60-day Board action date 03/07/03).

Appointment by His Honor the Mayor

- # 19-03     LEONARD SHERMAN, 181 Windsor Road, Waban, appointed on December 18, 2002 as an ALTERNATE member of the NEWTON HISTORICAL COMMISSION for a term to expire on January 1, 2005 (60-day Board action date 03/07/03).

**REFER 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.
- #419-02     ALD. GENTILE requesting a discussion with the Commissioner of Inspectional Services on possible action by the Board of Aldermen that will help the department better enforce existing zoning regulations and bring violators into compliance, i.e., greater ticketing power, additional staffing, etc.

**BUSINESS NOT YET SCHEDULED FOR DISCUSSION:**

- #450-02     ANTOL ZUKERMAN et al. petitioning for change of zone on NOBLE STREET, WEST NEWTON, from SINGLE RESIDENCE 3 to MULTI RESIDENCE 1.
- # 20-03     HIS HONOR THE MAYOR, ALD. JOHNSON, LIPSITT, YATES, et al and the *Mayor's Task Force on Inclusionary Zoning* proposing that section 30-24(f) of the a City of Newton Revised Zoning Ord., 2001 be amended to better encourage diversity of housing opportunities in the City.
- #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.
- #330-02     ALD. JOHNSON, BULLWINKLE, LINSKY requesting a discussion regarding revamping the home business ordinance to reflect current uses (allowable/not allowable).

#196-02 NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION submitting pursuant to MGL Chapter 40C, Section 3, a recommendation that ARTICLE III. HISTORICAL COMMISSIONS AND DISTRICTS of the City of Newton Revised Ordinances, 2001, be amended by establishing a local historic district in Auburndale

**ITEM REFERRED TO THE 30-15 TASK FORCE:**

#216-00 ALD. YATES requesting that Chapter 30 be amended to require a special permit to demolish an existing single-family dwelling on a pre-1953 lot that does not meet the current dimensional requirements for a lot in a Multi Residence District and replace it with a two-family dwelling.

**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.

**ITEM REFERRED TO ECONOMIC DEVELOPMENT COMMISSION:**

#366-95 ALD. YATES proposing the establishment of a "Recycling Market Development Zone."

**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.

#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.

#234-02 ALD. PARKER & MANSFIELD requesting discussion of limits on restaurant hours, particularly with respect to criteria and procedures for granting exemptions.

#195-02 ALD. SANGIOLO requesting a discussion of possible zoning amendment to height and setback requirements in residential districts.

#194-02 ALD. GERST seeking a new ordinance regulating temporary structures in residential zones.

#128-02 ALD. JOHNSON & LINSKY requesting a discussion regarding protection of residential areas abutting Business and Manufacturing districts, e.g., required screening.

- #432-01 ALD. SANGIOLO proposing to add a definition for “recreational facilities” to Sec. 30-1.
- #373-01 ALD. SANGIOLO proposing an ordinance requiring setbacks for athletic fields and structures occupying athletic fields from abutting residential properties.
- #430-01 ZONING & PLANNING COMMITTEE proposing discussion of the “phantom parking credit” in Sec. 30-19 ( c )(2)a).
- # 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.
- ITEM RECOMMITTED BY FULL BOARD ON 12/17/01:**
- #225-01 ALD. LIPSITT requesting that Sec. 30-15(b)(4) of the Zoning Ordinance be amended to require that all rear lot subdivisions have 20’ of frontage upon a way. **PUBLIC HEARING HELD 9/24/01; ZONING&PLANNING APPROVED AS AMENDED 5-1 ON 11/26/01.**
- #225-01(2) ZONING & PLANNING COMMITTEE requesting discussion of further restrictions on rear lot subdivisions.
- #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.
- #409-01(2) ZONING AND PLANNING COMMITTEE requesting discussion of limitation of building permits for new residential units while reviewing possible changes to the city's zoning ordinances, including learning from recent experience with density, dimensional controls, or special permits.
- #433-01 ALD. STEWART proposing that Sec. 20-6(a) be amended to allow gasoline service stations to open at 6:00 a.m. without a special permit.
- #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 and
- #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.
- #366-98 ZONING & PLANNING COMMITTEE requesting discussion and possible recommendation of further ordinance or statutory amendments to enhance the enforcement of Newton Zoning and other Land Use Ordinances.
- # 7-99 ALD. PARKER requesting discussion of possible zoning amendments to create additional residential districts with different FAR and lot size requirements.
- # 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.
- #82-99(3) ZONING & PLANNING COMMITTEE requesting provision of Ordinance V-111 clarifying definition of height for residential districts be extended to clarify its application to other zoning districts.
- #127-00 ALD. YATES proposing an amendment to the ordinance governing the Upper Falls Historic District to prohibit the construction of attached garages facing public ways or facing private ways but visible from a public way.
- #422-00 ALD. SANGIOLO requesting adoption of an ordinance that would require filings every two years by non-profit and educational institutions of a growth management or master development plan.

- #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.
  
- #315-01      ALD. SANGIOLO requesting that notification to abutters for zone changes and special permits be increased to 600 feet.
  
- #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.
  
- #326-99      ALD. YATES proposing amendments to Chapter 30 to encourage railroad related uses in Mixed Use Districts land adjacent to railroad.
  
- #297-00      ALD. YATES & SAMUELSON proposing that Chapter 30 be amended to require a minimum lot area of 5,000 square feet for a single-family dwelling and 7,500 square feet for a two-family dwelling in Multi Residence Districts.

**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.

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

- #124-02(11)      HIS HONOR THE MAYOR submitting the FY04-FY08 CAPITAL IMPROVEMENT PROGRAM, pursuant to Section 5-3 of the NEWTON CITY CHARTER, which requires Board of Aldermen approval of a plan to finance new local capital projects totaling \$160,847,242 over the next several years:

SUMMARY

PUBLIC WORKS (GRANT/FEE FUNDED).....	\$ 58,022,114
PUBLIC WORKS (CITY FUNDED).....	\$5,820,000
PUBLIC SAFETY .....	\$3,349,000
PUBLIC BUILDINGS.....	\$3,941,400
PUBLIC EDUCATION .....	\$80,156,728
PARKS & RECREATION .....	\$7,479,000
OTHER .....	\$2,079,000
<b>TOTAL.....</b>	<b>\$160,847,242</b>

Respectfully submitted,  
Ald. Brian Yates, Chairman