

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, JANUARY 13, 2003

Present: Ald. Yates (Chairman), Ald. Lappin, Gentile, and Baker

Absent: Ald. Johnson, Lennon, Mansfield, and Sangiolo

City officials: Michael Baseman (Law), Mark Gilroy (Commissioner of Inspectional Services, Robert MacDonald (Police Superintendent), Linda Finucane (Clerk)

THE FOLLOWING APPOINTMENTS WERE ALL APPROVED 4-0.

Resumes for the appointees were attached to the agenda for the meeting. If you have any questions, please refer to that agenda.

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).

NOTE: Mr. Chudy is an electrical engineer with thirty years experience. He is being appointed to one of the two alternate resident seats on the Newtonville Historic District. The Committee thanked him for his willingness to serve and asked if he would be open to service on the Design Review committee if his electrical engineering background were needed (he would consider it), and voted 4-0 to approve his appointment.

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.

NOTE: Attorney Barker is well known to the Committee from his ten years on the Board (some of it as Chair of this Committee), eight years on the School Committee, and recent appointment to the Newton Historic Commission. He is proposed for appointment to one of the two full members of the NHC required by law on the NHDC. In addition to his community service, he once served as secondary school history teacher. The Committee was pleased to vote unanimously to confirm his appointment.

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.

NOTE: Ms. Matthews is a realtor with the Hammond Real Estate firm in Waban Square. She is filling the currently vacant realtor's seat on the Newton Upper Falls Historic District Commission. She has been a realtor since 1984. Alderman Yates was intrigued by her first job with a Community Action Agency in Rhode Island. She explained that she had felt not sufficiently knowledgeable about the private for-profit sector after her three years in Community Action. Her jobs since 1978 were all in the for-profit sector, but she wanted to return to her grass roots in community service at least as a volunteer. She had attended one meeting of the NUFHDC and found it fascinating. She looks forward to learning more about Upper Falls and helping to preserve its historic character.

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).

NOTE: Ms. Reiter holds a Bachelor degrees in Architecture and Fine Arts and a Master of Business Administration. She has been involved in the design of several art galleries, heritage cultural parks, and two World's Fairs and numerous other projects in her 24 years of architectural and management experience. She is the President of the Board of Directors of the New Art Center. She will bring both neighborhood perspective and professional expertise to her role as the full architect member of the NHDC. The Committee voted to approve her appointment 4-0.

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).

NOTE: Mr. Johnson has over 14 years of professional experience in historic preservation and related fields as Director of Architectural Review for the Mass. Historic Commission, Director of Technical Services for the Connecticut Trust for Historic Preservation, and numerous other positions in the public and private sector. As the author of "How to care for your old House: An owner's manual", he is particularly qualified to help develop design guidelines and to help homeowners to comply with them in the least costly manner. Since he was recently before the Committee to confirm his appointment to the Newton Historical Commission, which he will represent on the NHDC, the Committee voted to approve his appointment in absentia 4-0.

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).

NOTE: Ms. Wilson is an attorney specializing in investment management and investment company law. She will fill the full member seat on the NHDC for an attorney if confirmed. She

has lived on Foster Street for 32 years and was involved in early grass roots efforts to preserve the neighborhood. The Committee voted 4-0 to confirm her appointment.

Appointment by His Honor the Mayor

8-03 CAROL WARNER, 26 Lowell Avenue, Newtonville, appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSISON for a term of office expiring January 1, 2005 (60-day Board action 03/07/03).

NOTE: Ms. Warner is nominated for one of the resident seats on the NHDC. As Vice-President and Corporate Curator of Fidelity Investments, she is responsible for the acquisition, care, and exhibition of a collection of over 9,000 pieces of contemporary art in over 125 cities worldwide. She has lived in Newtonville for more than 20 years and wants to help maintain the historic character of the village. She has an MA in Art History with an emphasis on Museum Training and a Bachelor of Fine Arts degree in Fine Arts and Art History. The Committee voted 4-0 to approve her appointment.

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).

NOTE: Ms. Wales lived in Newtonville for five years before she and her family moved to Newton Center where she has lived for the past twelve years. While a Newtonville resident, she was instrumental in starting the neighborhood committee for the beautification of Washington Park. She is a realtor at the Caldwell Banker office in Newton Center. She would bring her real estate expertise to the realtor's seat on the NHDC. The Committee4 voted 4-0- to approve her.

Appointment by His Honor the Mayor

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

NOTE: Professor Fitzpatrick was nominated to one of the resident seats on the NHDC. She was one of the leaders in the research and organizing for the establishment of the District. She is currently a Professor of History at the University of New Hampshire. She holds a Ph.D. in history from Brandeis and has taught there and at Harvard, MIT, and Wellesley. She has published extensively in history. She admits that there is little interchange between academic history and historic preservation. Her research skills were helpful in documenting the history of Newtonville, and she would bring a profound commitment to the position. The Committee voted 4-0 to approve her appointment.

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).

NOTE: Mr. Abele was active in the establishment of the District from early on. He is Regional Hydro Review and Instream Flow Coordinator for the Water Quality Unit of the Environmental Protection Agency in New England. He previously was Regional Environmental Coordinator of the Fish and Wildlife Service. He has a Master's degree and a Bachelor's degree in Geology. He has been on the Board of the Charles River Watershed Association since 1985. He served as CRWA Board President from 1989 through 1998 and received the Anne Blackburn Award from the CRWA for his service. The Committee voted 4-0 to approve his appointment.

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).

NOTE: Although Ms. Grissom has an extensive background in real estate, she is proposed for one of the seats on the NHDC as alternative member of the Newton Historical Commission. She has been a resident of Newton for over thirty years and a realtor for nearly eight. As President of the Newton Council of Realtors she helped to recruit the other realtors before the Committee. She has been a member and volunteer for the Society for the Preservation of New England Antiquities for more than 20 years. The Committee voted 4-0 to approve her appointment.

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).

NOTE: Mr. Goldstein is an Attorney with an office at 246 Walnut Street at the edge of the district that is well known to many of the Committee members through his extensive service to the community. The Committee voted 4-0 to confirm his appointment.

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).

NOTE: Mr. Rodman is an attorney who is the long time chair of the Newton Historical Commission and also served as the Newtonville Historic District Study Commission. Although some members had disagreements with some of the positions he's taken, they also knew him to be a decent, dedicated official and voted to confirm his re-appointment

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).

NOTE: Mr. Brill is a former activist resident of Lower Falls who now lives in Upper Falls. Alderman Baker has observed his work as an architect on the CHHDC and praised him for the practical and reasonable advice he has given to petitioners to help them comply with the Commission's regulations. The Committee voted approval of his re-appointment 4-0.

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).

NOTE: This candidate was recently before the Board for a prior appointment. Alderman Baker has observed her performance on the Commission and recommends approval of the re-appointment. The Committee voted in favor of the re-appointment 4-0.

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).

NOTE: Ms. Der Honnesian has been a resident member of the NUFHDC for more than ten years. Alderman Yates had personally observed that she continued to be an active member of the Commission. The Commission thanked her for her willingness to continue to serve and voted 4-0 to approve her re-appointment.

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).

NOTE: Mr. McMillan is an active member in the work of the NHC and NUFHDC. He is a realtor who is proposed to move up from Alternate to Full Member of the NUFDC. Several Committee members are familiar with the diligence of Mr. McMillan in carrying out his duties. The Committee voted 4-0 to approve his re-appointment.

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).

NOTE: Mr. Sherman is a realtor with an interest in historic housing in Newton. NHC Chair John Rodman recruited him for the NHC. He would apparently be filling the Alternate Realtor's seat

being opened up by the promotion of Charlie McMillan to full realtor Member of the NHC. (Since Mr. Sherman didn't know and Mr. McMillan and Mr. Rodman were not present, this was a guess.) In addition to Mr. Rodman, he listed architect Henry Finch as a reference. Mr. Finch is a neighbor of Mr. Sherman on Windsor Road who was a major contributor to the restoration of the Jackson Homestead. The Committee was pleased at Mr. Sherman's eagerness to serve. Since the NHC has to contribute members and alternates to all three Historic District Commissions and members to the Community Preservation Committee as well as carry out a great deal of work on its own, particularly concerning the Demolition Ordinance, Mr. Sherman's active service will undoubtedly be valuable. The Committee voted 4-0 to confirm his appointment.

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.

ACTION: HELD 4-0

NOTE: Since Martha Horn of the Conservation Commission was not present to present the item because of a family medical emergency, the Committee voted 4-0 to hold it after brief discussion. Superintendent McDonald of the Police Department said that his department had no interest in ticketing violations of the Wetlands Act and that to the best of his knowledge provisions giving the Chief or his designee the power to do so had never been discussed with the Department. He will check with the Chief and inform the Committee of Police policy concerning this matter. Mr. Baseman will check with the law Department to determine who did the drafting and what was the Police involvement. The Committee voted 4-0 to hold the item.

#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.

ACTION: HELD 4-0

NOTE: Alderman Gentile had met with Commissioner Gilroy to develop a way to improve enforcement of zoning. The plan they developed would add a Zoning Enforcement Officer to the current four building Inspectors who both oversee construction and respond to zoning complaints. The Zoning Enforcement Officer would respond to the approximately 100 zoning complaints that the Department receives every year but is generally unable to deal with more than a dozen and that at great expenditure of time. In addition, the Zoning Enforcement Officer would see that the elaborate post-construction conditions on many special permits were complied with. Finally the Officer would carry out the inspection of multi-family residences required by State Law but not carried out in the city for many years. (This last duty would generate revenue since the certificate of inspection enables property owners to maintain their insurance and a small fee can reasonably be charged.) Ideally, three Building Inspectors could handle all the construction oversight in the city and two Zoning Enforcement Officers could carry out the duties in the city. The Town of Brookline has a similar system and it works well. The other Committee members agreed that this was an excellent idea that would solve many of the

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problems that have troubled the city for years. Although it is hard to seek additional funds in a year as tight as any in decades, this position in a Department that generates enormous revenues for the city whether directly through fees or indirectly through the construction of increased amounts of taxable property is a response to long felt needs on the part of most Aldermen. The Chief and the Superintendent have agreed that the Department would comply in documenting night conditions on a subject site as part of night patrol. Alderman Baker urged that the job description and the title be broad enough to make sure that the Historic Commissions and Conservation Commission would have the new person's services available to help enforce their Ordinances as well as the Zoning Ordinance. The Committee agreed.

The Committee therefore voted 4-0 to hold the original item to allow for other discussions and to docket the following item: #419-02(2) The Zoning and Planning Committee asking the Board of Aldermen to submit a resolution to His Honor the Mayor urging him to include the establishment of the position of Zoning and Land Use Enforcement Officer in the Fiscal Year 2004 Budget.

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

Respectfully submitted

Brian Yates, Chair