

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, FEBRUARY 24, 2003

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

Absent: Ald. Mansfield and Sangiolo

Also present: Ald. Linsky, Lipsitt, and Parker

Planning Board members: David Banash, Audrey Cooper, Joyce Moss, and Roger Wyner (Chairman)

City staff: Mike Kruse and Juris Alksnitis (Planning), Michael Baseman (Law), and Linda Finucane (Clerk's)

Appointment by His Honor the Mayor

#42-03 JOHN H. MARTIN, 12 Simpson Terrace, Newtonville, appointed as an ALTERNATE member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office expiring on January 1, 2006 (60-day Board action date 3/22/03).

ACTION: APPROVED 6-0

NOTE: Mr. Martin is an Architect with a Master of Architecture degree with honors. He has Bachelor's degree in Environmental Design in Architecture (summa cum laude) and Civil Engineering (summa cum laude) from North Carolina State University. He has been with the firm of Elkus /Manfredi Architects as a project manager and a project architect. He knows that an historic district commission must balance adherence to historic preservation with responsible costs to property owners. He would be eager to offer petitioners guidance on how they could comply with design standards in the least costly manner possible. He would fill the Alternate Architect seat on the Commission. The Committee thanked him for his willingness to serve and voted unanimously to approve his appointment.

Re-appointment by His Honor the Mayor

#40-03 JOSEPH DiDUCA, 78 Chapel Street, Nonantum, re-appointed on January 8, 2003 as an ALTERNATE member of the PLANNING & DEVELOPMENT BOARD for a term of office expiring on February 1, 2007 (60-day Board action date 3/22/03).

ACTION: APPROVED 6-0

NOTE: Mr. DiDuca is well known to the Committee both for his active role on the Planning Board and for his previous service as a member of the Board of Aldermen. The Committee voted unanimously to approve his re-appointment.

Appointment by His Honor the Mayor

#41-03 CAROL BEARD, 250 Hammond Pond Parkway, Chestnut Hill, appointed on January 8, 2003 as a member of the PLANNING & DEVELOPMENT BOARD for a term of office expiring on February 1, 2006 (60-day Board action date 3/22/03).

ACTION: APPROVED 6-0

NOTE: Ms. Beard is similarly well known to the Committee, both through her active service on the Planning Board and through her active participation in several other community organizations. The Committee approved her reappointment unanimously.

Appointment by His Honor the Mayor

#43-03 LAWRENCE BAUER, 42 Eliot Memorial Road, Newton, appointed as an ALTERNATE member of the NEWTON HISTORICAL COMMISSION, effective April 1, 2002, for a term of office expiring January 1, 2005 (60-day Board action date 3/22/03).

ACTION: APPROVED 6-0

NOTE: Mr. Bauer is an architect who has been a longtime full member of the Historic Commission. Because of time constraints, he has asked to step down to Alternate Member status. (He is also an extremely active member of the Historic Buildings Preservation Task Force.) The Committee was pleased that he is willing to continue his long service to the city and voted unanimously to approve his re-nomination.

#450-02 ANATOL ZUKERMAN et al. petitioning for change of zone on NOBLE STREET, WEST NEWTON, from SINGLE RESIDENCE 3 to MULTI RESIDENCE 1.

ACTION: DENIED 5-0-1 (YATES ABSTAINING)

NOTE: Architect/Resident Anatol Zukerman initiated this item based on the item proposed for North Gate and South Gate Park which are nearby streets. He had collected signatures on the petition and testified at the public hearing. He feels strongly that since virtually all houses on the street are non-conforming uses as two-family homes in a single family district, they would be faced with the substantial inconvenience and expense of a special permit for most repairs and additions to their homes. Some other residents spoke in favor of the item provided that it would not allow third units to be added to existing buildings (it would not) and would not contribute to the congestion in the area.

Alderman Gentile advanced the proposition that the regulatory control on these buildings represented by the extension of non-conforming use special permit was actually a benefit to the neighborhoods as a whole. It would prevent over development of these now substandard lots (they predate zoning, most are under 7,000 square feet). He also

felt that the very small size of these lots meant that they would become non-conforming by dimensions. Alderman Yates asked why they could not be re-built as much larger buildings, since just such single small house on an older smaller lot on Ohio Avenue had been demolished and replaced with a very large two-family house. He was reminded that the Board had previously changed the minimum lot area to 3500 square feet per unit so that all but one of the lots on this street would not conform to this requirement.

Alderman Gentile further asserted that the recent board enactment of de minimus exemptions from the restrictions of the Zoning Law would allow residents of the street to make small improvements to their homes without obtaining a special permit. The Committee voted 5-0-1 (Yates) to deny the item.

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.

ACTION: APPROVED AS AMENDED 4-0-2 (LAPPIN, YATES ABSTAINING)

NOTE: Attorney Edward Dailey had served as Chair of the Mayor's Task Force on Inclusionary Zoning and he presented the item which had been developed by a group of Planning and Law and other city staff, several aldermen, several developers both for profit and not for profit, and other community members. They had worked for two years to develop the draft that is based on the Cambridge ordinance but with current sections of the Newton Ordinance preserved intact. The draft includes several underlined sections that were added late in the deliberations. The intent of the revisions are to adapt Newton's current Inclusionary Zoning to changes in various circumstances. It is intended to provide a much clearer way to calculate the number of units, to allow for slightly smaller and less expensively equipped affordable units and allow homeownership units as well as rental units to be provided by developers. The net result is intended to be more affordable units by making the process easier and more reasonable.

The Committee's discussions focused on two elements. One was the Density Offset in Section (f)(6) on page six. A density offset for developments under six units was added at the last minute. The Committee voted 5-0-1 (Yates) to delete. Alderman Baker offered an amendment to delete the second sentence. Mr. Dailey said it was a mistake on his part, not the view of the Task Force. The Committee deleted it 5-0-1 (Yates). Alderman Baker finally offered the complete elimination of the density offset. Mr. Dailey said that it was his attempt to make the ordinance immune to legal challenge by clearly giving the developer something of value. Several members of the Committee felt that the other provisions of the Ordinance gave developers sufficient value. Aldermen Yates, Lappin, and Johnson were concerned about making development of affordable units too difficult. The motion to delete failed 3 (Baker, Lennon, Gentile) to 3 (Yates, Lappin, Johnson).

Alderman Parker expressed his extreme concern that the dimensional provisions would give developers too great an incentive to develop the largest possible units. After

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extensive discussion, Alderman Gentile stated that the market would indicate the number and size of units not this ordinance. No amendment was offered by a committee member. Alderman Parker reserved his right to do so on the floor.

Alderman Baker then moved approval of the item as amended. It passed 4-0-2 with Aldermen Lappin and Yates abstaining because of concern about the changes to section (f) (6).

All other items were held without discussion and the meeting was adjourned at 10:30 PM.

Respectfully submitted,

Ald. Brian Yates, Chairman