

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, JUNE 23, 2003

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

Absent: Ald. Gentile, Lappin, and Mansfield

Also present: Ald. Linsky

City Staff present: Juris Alksnitis, Planning; Michael Baseman, Law; Linda Finucane, Clerk

Appointment by His Honor the Mayor

#263-03 JAMES P. DOOLIN, 104 Fairway Drive, West Newton, appointed as a member of the URBAN DESIGN AND BEAUTIFICATION COMMISSION for a term of office to expire on June 30, 2006 (60-day board action date 8/15/03).

ACTION: APPROVED 5-0

NOTE: Mr. Doolin was present. The Committee was extremely impressed with his extensive resume (attached). Mr. Doolin was recruited for Commission by Chair Richard Griffin. He looks forward to more extensive service than the Commission's focus for the past several years just on signs. Alderman Yates recommended that the Commission look into the Waban Library site. The numerous trees around the building may be lessening its visibility as a library. (They may also be cooling this non-air-conditioned building.) There is only one old and hard to read freestanding sign on the property. Mr. Doolin agreed to look at such issues on this and any other public sites requested. The Committee thanked him for his willingness to serve and approved his nomination 5-0.

Re-appointment by His Honor the Mayor

#233-03 RICHARD F. GRIFFIN, 74 Bennington Street, WARD 1, re-appointed as a member of the URBAN DESIGN AND BEAUTIFICATION COMMISSION for a term of office expiring April 30, 2006 (60-day Board action 8/1/03).

ACTION: APPROVED 5-0

NOTE: Mr. Griffin was present. He was well known to several members of the Committee. He had served as the first Urban Design Planner for the Newton Planning Department so long ago that Alderman Yates had worked with him. He then left for private practice as an architect and a wealth of public service. He has served as Chair of the Commission for more than a decade and has recently begun to recruit new members with the expectation that the Commission would be called on for broader duties than sign

reviews. Recruitment of the best possible candidates is hampered by the restriction in the ordinance (copy attached) that no more than one resident of any ward in the city could be on the Commission. The Chair promised to consider amending the ordinance and offered to recruit through other members of the Board who are aware of talented people in their wards. The Committee thanked Mr. Griffin for his lengthy service to the city and for his willingness to continue to serve. His re-appointment was approved unanimously.

Alderman Johnson raised the issue of the policy issue of voting on absent appointees. It has been the custom of the Committee to approve re-nominations either when the candidate has appeared before the Committee within a current term or where the candidate is well known to one or more of the Committee members and no other member asks to have the candidate before the Committee. Until the Board adopts an overall policy, the Committee will continue its past practice.

Re-appointment by His Honor the Mayor

#264-03 NANCY GRISSOM, 7 Orris Street, Auburndale, re-appointed as an ALTERNATE member of the NEWTON HISTORICAL COMMISSION for a term of office to expire on July 31, 2006 (60-day Board action date 8/15/03).

ACTION: APPROVED 5-0

NOTE: Ms. Grissom is a Newton realtor with a demonstrated interest in historic preservation who has served as an alternate on the Newton Historical Commission several years. She is known favorably to Alderman Sangiolo. The Committee approved her re-nomination 5-0.

Re-appointment by His Honor the Mayor

#265-03 ALLEN JOHNSON, 32 Ware Road, Auburndale, re-appointed as a member of the NEWTON HISTORICAL COMMISSION for a term of office to expire on July 31, 2006 (60-day Board action date 8/15/03).

ACTION: HELD 5-0

NOTE: Ald. Johnson didn't recall meeting Mr. Johnson and asked that his re-appointment be held.

Re-appointment by His Honor the Mayor

#266-03 DAVID FEINBERG, 24 Lee Road, Chestnut Hill, re-appointed as a member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term of office to expire on July 31, 2006 (60-day Board action date 8/15/03).

ACTION: APPROVED 5-0

NOTE: Alderman Baker stated that he had personally observed Mr. Feinberg's work on the Commission. Based on that and his previous appearance before the Committee, the Committee voted 5-0 to approve his re-appointment.

Appointment by His Honor the Mayor

#231-03 LAURIE M. MALCOM, 51 Pettee Street, Newton Upper Falls, appointed as an ALTERNATE member of the NEWTON UPPER FALLS

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HISTORIC DISTRICT COMMISSION for a term of office expiring July 1, 2006 (60-day Board action 8/1/03).

ACTION: HELD 5-0

NOTE: Ms. Malcom is a new appointee and not familiar to any one on the Committee.

Appointment by His Honor the Mayor

#232-03 DONALD LANG, 880 Watertown Street, West Newton, appointed as an ALTERNATE member of the NEWTON HISTORICAL COMMISSION for a term of office expiring July 31, 2006 (60-day Board action 8/1/03).

NOTE: APPROVED 5-0

ACTION: Mr. Lang was approved based on his previous appearance before the Committee.

Re-appointment by His Honor the Mayor

#234-03 MICHAEL K. KAUFMAN, 44 Page Road, WARD 2, re-appointed as a member of the URBAN DESIGN AND BEAUTIFICATION COMMISSION for a term of office expiring April 30, 2006 (60-day Board action 8/1/03).

ACTION: APPROVED 5-0

NOTE: Mr. Kaufman is an architect with a long record of service on the Commission and other city bodies such as the Zoning Review Committee on which he served with Alderman Yates in the Eighties. He has also been an architect or project manager on several public and private developments in the city. The Committee approved his continued service on the Commission.

Appointment by His Honor the Mayor

#235-03 RUSTY THOMPSON, 56 Cynthia Road, WARD 8, appointed as a member of the URBAN DESIGN AND BEAUTIFICATION COMMISSION for a term of office expiring May 31, 2006 (60-day Board action 8/1/03).

ACTION: HELD 5-0

NOTE: Although Ms. Thompson is well known to the Committee for her work on Millennium Park, the Committee felt the need to discuss this new role with her.

It should be noted that there are vacancies in the seats on the Commission earmarked for residents of Ward 4, 5, 6, and 7. Members of the Board are asked to review the attached ordinance and if they know any qualified members from the relevant wards, to contact Juris Alksnitis or Rich Griffin.

Re-appointment by His Honor the Mayor

#186-03 ALAN GREEN, 403F Dedham Street, Newton Centre, appointed as a member of the CONSERVATION COMMISSION for a term to expire on April 30, 2006 (60-days 7/4/03).

ACTION: APPROVED 5-0

NOTE: Mr. Green is known to Committee members as a major developer of residential properties in the city, a participant in other city groups like the Comprehensive Planning

Advisory Committee, and a long-time member of the Conservation Commission. The Committee voted 5-0 to approve his re-nomination.

#187-03 ALD. LINSKY & JOHNSON proposing to re-zone a lot located on Withington Road, which contains approximately 10,161 square feet of land and is known as Section 22, Block 21, Lot 15, from MULTI RESIDENCE 1 and SINGLE RESIDENCE 2 to MULTI RESIDENCE 1.
ACTION: APPROVED 3-1-1 (Ald. Yates, Lennon, Johnson in the affirmative; Ald. Baker in the negative; Ald. Sangiolo abstaining)

NOTE: The Committee held a public hearing on this item on June 9th. The re-zoning is sought by the owner of the subject parcel and the adjacent parcel, Doctor Gonzales and his wife. The Doctor and his wife have lived at 143 Withington Road for over 30 years and raised their two sons and one daughter there. All three children have moved elsewhere.

The two sons have each married and each have a small child. One lives in Falmouth; the other in Salem. They both wanted to accept the offer of their parents to sell them the vacant lot adjacent to their parents' house so that they could build a two-family house on it like those across the street and to the north. When they attempted to do so, they were informed that an old zoning district line runs through the lot dividing it as well as the neighborhood between Multi-Residence 1 and Single Residence 2. In such a case, the stricter zoning applies. Therefore, a two-family house would not be allowed.

To resolve this apparently pointless limitation, they asked two of their Aldermen from their ward to file an amendment to rezone the entire lot to Multi-Residence 1. At the public hearing, several residents of Withington Road spoke in favor of the petition as not detrimental to the character of the street. The rear abutter of the lot spoke against it. Her house faces Kirkstall Road at a higher grade. She objected on several grounds. The woods at the rear of her lot blend seamlessly into the woods on the subject lot. School children and other residents enjoy walking through the woods, to the nearby Cabot School and Park. She sees no way to avoid a blocking off of this long-time informal sylvan path. In addition, she obviously would prefer the present open lot as a view from her property. She also fears the traffic impact of the additional unit to be made possible by the proposed rezoning. Withington Road residents pointed out that the traffic problem on their street is caused by through traffic and that virtually none of Withington's traffic makes it up to Kirkstall. In addition, she should be more concerned about the impact of the possible use of six to eight lots to the north of hers which are used for single-family homes but could be used for two-family structures under the current zoning.

The Committee's advisors were asked to report back to the Committee on whether or not the proposed re-zoning constituted "spot zoning," what the floor area ratios on the parcels in the neighborhood were, how they compared to the possible FAR on the site, and if construction of a two-family house on the lot would inevitably trigger a Special Permit because of a three-foot grade change. The answers were given at this meeting. Because the lot adjoins a large two-family zoned and used district, it is not spot zoning.

The FAR of the possible house would be higher than that of those to the south, and it would be 1,000 square feet bigger than the house that could be built by use of right. It appeared that a house could be built on the lot without a three-foot grade change. The three questions left the basic issue unresolved—should the owners be able to rezone the lot to enable their sons and their families to live next door.

Alderman Baker was extremely sympathetic to the family's request, but felt that it had to be considered in the general scheme, not on these particulars that could change. He felt that the zone change would allow a development of significantly higher density on the parcel and that he could not justify such a change unless it served some general planning idea. Alderman Yates said that it was unreasonable to consider the idea wholly in the abstract. The likeliest result of the change would be the construction of two units of housing at a lesser cost than units produced after a regular transaction. And even if this likely result should be ignored, the extra unit within walking distance of a school and a park certainly met sound planning in his view. Furthermore, the likely result of a denial would be the removal of the entire family from the city to another community where three generations could live near each other and the construction of a market-rate single family house on the vacant lot, thus causing the neighborhood's feared results of blocking the path through the woods and building on the lot to come true. (He discounted the traffic argument for the reasons given by the other neighbors.) Alderman Baker pointed out that the single-family house would be a thousand square feet smaller than the two-family house and that was a significant difference for him. Alderman Johnson moved approval of the item. The motion passes 3-1-1. Johnson, Lennon, and Yates voted in favor. Alderman Baker against and Alderman Sangiolo abstained.

Respectfully submitted

Brian Yates
Chairman

Attachments: Doolin resume
Grissom previous reports
Feinberg report
Lang report
Griffin report
Kaufman