

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, SEPTEMBER 22, 2003

Present: Ald. Yates (Chairman), Ald. Sangiolo, Mansfield, Yates, Lappin, Baker, and Lennon; Ald. Gentile attended the Finance Committee meeting

Also present: Ald. Lipsitt, Merrill, and Samuelson

Planning Board members: Roger Wyner (Chairman), David Banash, Carol Beard, Joseph Proman, Joyce Moss, Audrey Cooper, and Joseph DiDuca

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

#354-03 HIS HONOR THE MAYOR submitting pursuant to Sec. 6-2 of the City Charter a proposal to reorganize the Inspectional Services and Planning & Development Departments.

ACTION: HEARING OPENED AND RECESSED TO OCTOBER 1ST.

NOTE: Because this item's hearing on this date had previously been announced at a full Board and the postponement to October 1 had not been so announced, it was deemed to best to open the hearing tonight and recess it immediately to the October 1 date, which was advertised.

Appointment by His Honor the Mayor

#366-03 JOHN MARTIN, 12 Simpson Terrace, Newtonville, appointed as a regular member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 2005; Mr. Martin replaces Patricia Reiter (60-day Board action 11/1/03).

ACTION: APPROVED 5-0 (Baker, Lennon not voting)

NOTE: An architect with Elkus/Manfredi, Mr. Martin had served for the past year as the alternate architect member of the Newtonville Historic District Commission. With the resignation of the full architect member, Patricia Reiter who has moved to Phoenix, he is proposed to move up to full member. He said that the Commission has met approximately 10 times since its establishment a year ago with two or three petitions at each meeting. Guidelines have been adopted and distributed. The Commission has been able to work in a non-confrontational manner with some petitioners coming in early to seek guidance from the Commission. Meetings generally end by 9:00. He is eager to assume the responsibilities of full membership. The Committee thanked him for his

willingness to serve and voted 5-0 (Baker and Lennon not yet arrived.) to approve his appointment.

Public Hearings were held on the following items:

#331-03 MARK BARTOLOMUCCI, TRUSTEE, petition to change from BUSINESS 1 to MULTI RESIDENCE 2 land known as Section 11, Block 6, Lot 27 located at 109 DALBY STREET, NONANTUM, containing approximately 7,280 square feet of land.

ACTION: HELD

NOTE: A public hearing was conducted on this item with Attorney Jeannette Robinson of Harrington & Harrington representing the petitioner. After she had presented the case for changing the zoning to allow a two-family house on the currently commercial lot, she was asked if she had reviewed the Planning Department memorandum on the petition. She had not, so the item was laid on the table until she and her client could read it and confer. When they had done so, they returned to answer committee questions. The lot is now the site of the petitioner's masonry business and overflow cars from an auto business on the other side of Watertown Street. He proposes to replace it with two units of rental housing. The lot is an old one going back to sub-division in 1869, so its size below the more recent 10,000 limit for such uses is not a legal barrier. It would need a waiver of the minimum frontage of 70 feet; the lot has only 61 feet of frontage.

Alderman Scott Lennon spoke in favor of the petition based on his knowledge of the area as a one-time resident of the street, as an Alderman, and community activist. The commercial uses on Watertown Street include several high-intensity uses. The concern of the neighborhood is for lessening the intensity of use on this site, which the petition would appear to do. He pointed out that the zone change would bring it into conformity with the other uses on Dalby Street. When asked if he would support a larger zone change (properly noticed) that would bring other commercially zoned parcels into conformity with their residential use, he said he would check with the owners first but that it seemed to be a good idea.

Phil Herr, chair of the Comprehensive Planning Advisory Committee (CPAC) speaking as an individual, also spoke in favor of the petition. It appeared to be the type of action (adding residential use near a village center) that everyone on this Committee appeared to favor. As to the substandard size of the lot and the need for a variance for frontage, he said that the CPAC is considering submitting a zoning amendment that would make a change in use in the existing district and a return to the business use when conditions change both uses of right. Alderman Yates pointed out that the 30-15 Task Force is considering new zones that would make older areas like this one conforming as they are. Neither change will be docketed before the Committee can act on this item, but may be offered early next year.

The Committee had many questions for the Planning Department and much to ponder about this item, including a recommendation that would be forthcoming from the Planning Board. In view of all these factors, the Committee voted 7-0 to hold the item. It will not come up until the Committee's second meeting in October.

#297-03 ALD. LIPSITT requesting the deletion of subsection 30-15(b)(4) which allows the Board of Aldermen to grant a special permit in the case of a rear lot not having the required frontage on a street by measuring along the rear line of the lot in front of it.

ACTION: HELD

NOTE: Alderman Lipsitt explained this item as her response to the recent actions of the Board, which has rejected some rear lot subdivisions and approved others with little to offer but new monster homes that use up most of the open space formerly on the lot. To be both fair to petitioners and to neighbors, she suggested that we take the opportunity for rear lot subdivisions out of the ordinance. She did not object to the variations and conditions that the Planning Department raised as possibilities for revision of the ordinance, but felt strongly that they could better be developed in the absence of the provision. Two such petitions are currently before the Board. Although they could proceed, it seemed odd that they should be acted upon while this matter is under discussion. Any future such petitions could only advance at the owner's peril until the Board takes action on this advertised petition. Some members who have voted against some rear lot subdivisions nonetheless felt that some were acceptable and that the opportunity for the better one should remain in the ordinance until modified.

Henry Wilson of the Newton Housing Partnership spoke about the need for affordable housing and that the second unit on such a lot was free of some of the additional costs of other units. Members were skeptical that owners of such lots would find enough economic incentive to build second units that were affordable.

Mr. Herr spoke against the petition and urged the Board to find some way to encourage second affordable units on suitable lots.

The Committee felt that more information and reflection on this matter was also necessary. It was held 7-0, probably for the first meeting in October.

#332-03 ALD. LIPSITT requesting discussion of possible ordinance amendment to control construction of fences or walls on or near property lines.

ACTION: HELD 6-0 (Ald. Sangiolo not voting)

NOTE: After the Committee adjourned the public hearing around ten o'clock, Alderman Sangiolo had to leave. The other Committee members adjourned to room 202 where Alderman Lipsitt explained the genesis of this item in her walks through the city. She had noticed more and more fences that blocked pedestrian and vehicular visibility furthering the impression of alienation of a property from the public way. At her request,

Alexandra Ananth of the Planning Department had done a survey of the city and found several fences of different sort that seemed dangerous or offensive for various reasons. She showed computer slides of the bad and good fences. Most committee members agreed that some of the fences did pose difficulties and that the concept deserves further exploration. Alderman Yates mentioned that there is a provision in the current ordinance concerning visibility of traffic that deals with some of the instances. A copy is attached. Aldermen who note violations of this existing ordinance should contact Captain Sbordone at the Police Department. Agreeing with Alderman Lipsitt that the issue deserves further examination and giving her preliminary input on some issues, the Committee voted 6-0 to hold the matter until the Planning Department could provide more information. Alderman Yates suggested review of the design standards of *New Urbanism* and *Safety by Design*.

All other items were held without discussion and the meeting was adjourned at approximately 11:00 PM.

Respectfully submitted,

Brian Yates, Chairman