

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE AGENDA

MONDAY, NOVEMBER 10, 2003

7:45 PM  
Room 202

**BUSINESS TO BE DISCUSSED:**

**REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES**

#501-03 HIS HONOR THE MAYOR requesting that the sum of \$32,832 be appropriated from funds paid to the City by cable franchisees in order to supplement the FY04 Planning Department budget for salaries and benefits. This will allow the Planning Department to convert the part-time transportation planner position to a full-time position.

**NOTE: BACKUP ATTACHED TO FINANCE COMMITTEE AGENDA.**

Appointment by His Honor the Mayor

#438-03 STEVEN KONOWITZ, 36 Selwyn Road, Newton Highlands, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire on July 7, 2006 (60-day Board action 12/19/03).

Appointment by His Honor the Mayor

#439-03 HARVEY CREEM, 100 Huntington Road, Newton, appointed as an ASSOCIATE member of the ZONING BOARD OF APPEALS to fill the vacancy created by the resignation of Francesco DeVito, which term will expire on September 30, 2004 (60-day Board action 12/19/03).

Appointment by His Honor the Mayor

#440-03 DOUGLAS DICKSON, 17 Oxford Road, Newton Centre, appointed as a member of the NEWTON CONSERVATION COMMISSION to fill the vacancy created by the resignation of Eric Reenstierna, which term will expire on February 16, 2005 (60-day Board action 12/19/03).

Re-appointment by His Honor the Mayor

#403-03 TRUDY ERNST, 162 Waban Avenue, Waban, re-appointed as an Associate member of the ZONING BOARD OF APPEALS for a term to expire on September 1, 2004 (60-day Board action 12/6/03).

Re-appointment by His Honor the Mayor

#404-03 JOSEPH COSGROVE, 125 Shornecliffe Road, Newton, re-appointed as an Associate member of the ZONING BOARD OF APPEALS for a term to expire on September 1, 2004 (60-day Board action 12/6/03).

#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.

#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.

**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.

**BUSINESS FOR 11/24/03:**

Re-appointment by His Honor the Mayor

#402-03      SELMA URMAN, 90 Shady Hill Road, Newton Upper Falls, re-appointed as a member of the ZONING BOARD OF APPEALS for a term to expire on September 30, 2006 (60-day Board action 12/6/03).

**BUSINESS NOT YET SCHEDULED FOR DISCUSSION:**

Re-appointment by His Honor the Mayor

#405-03      BERNARD SHADRAWY, JR., 789 Commonwealth Avenue, Newtonville, re-appointed as an Associate member of the ZONING BOARD OF APPEALS for a term to expire on September 30, 2004 (60-day Board action 12/6/03).

#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.

#294-03      ALD. BAKER, YATES, JOHNSON AND MANSFIELD requesting analysis and discussion of possible remedies for demolition of modest housing and replacement with oversized structures out of character with the surrounding neighborhood, including examining the experience of other communities, including those out of state, who have worked to address this problem.

- #332-03      ALD. LIPSITT requesting discussion of possible ordinance amendment to control construction of fences or walls on or near property lines.
  
- #355-03      ALD. LINSKY & JOHNSON proposing that footnote 7(4) of Table 1 contained in Section 30-15 be amended by deleting the word “second.”
  
- #267-03      ALD. SANGIOLO, JOHNSON, STEWART, & SAMUELSON proposing that Sec 30-5(a)(3) of the Zoning Ordinance be amended to include public safety concerns and a cap on the number of students based on lot size.
  
- #59-03      ALD. SANGIOLO proposing amendments to Chapter 30-19 Section (j), *Lighting, Surfacing, and Maintenance of Parking Facilities*.
  
- #60-03      ALD. SANGIOLO proposing an ordinance requiring that all City Boards and Commissions under the Zoning and Planning Committee’s purview report to the Committee annually.
  
- #61-03      ALD. LENNON requesting a discussion with the Planning Department and other relevant departments the scheduling of Community Development Block Grant projects.

**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.
  
- #330-02      ALD. JOHNSON, BULLWINKLE, LINSKY requesting a discussion regarding revamping the home business ordinance to reflect current uses (allowable/not allowable).
  
- #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.

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- #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.
- #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.
  
- # 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.

**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.

**ITEM REFERRED TO ECONOMIC DEVELOPMENT COMMISSION**

- #20-03(2) ZONING & PLANNING COMMITTEE requesting the Economic Development Commission to evaluate the economic and housing impacts of the current hotel linkage provision of the Zoning Ordinance and of a possible increase in the percentage from 10% to 15%, while taking into consideration the impacts of different types of hotel use.

**ITEM REFERRED TO THE “INCLUSIONARY ZONING TASK FORCE:”**

#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.

**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 THE 30-15 TASK FORCE:**

# 7-99 ALD. PARKER requesting discussion of possible zoning amendments to create additional residential districts with different FAR and lot size requirements.

Respectfully submitted,

Ald. Brian Yates, Chairman