

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

December 8, 2003

Present: Ald. Yates (Chairman), Ald. Sangiolo, Lappin, Johnson, Hess-Mahan, Baker, and Lennon

Absent: Ald. Mansfield

Also present: Ald. Lipsitt

City officials: Mike Kruse, Director of Planning and Development; Michael Baseman, Assistant City Solicitor; Linda Finucane, Chief Committee Clerk

#61-03        ALD. LENNON requesting a discussion with the Planning Department and other relevant departments the scheduling of Community Development Block Grant projects.

ACTION:      NO ACTION NECESSARY 7-0

NOTE: Alderman Lennon said that the concerns that had caused him to file this item had been dealt with and CDBG work by the DPW was moving more expeditiously. He therefore moved No Action Necessary. The Committee concurred unanimously.

#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:      NO ACTION NECESSARY 7-0

NOTE: At the last full Board meeting, Alderman Gentile had said that this item was no longer needed.

#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.

ACTION:      NO ACTION NECESSARY 7-0

NOTE: This item had been docketed as a follow-up to the build out study by the Planning Department done at the request of the Bowen-Thompsonville Neighborhood Association. Some members were concerned that more work was indeed needed.

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Ultimately the Committee felt that no more work could be reasonably expected under this item and that the legitimate issues that it encompassed could be dealt with by the Master Plan. The Committee voted unanimously No Action Necessary.

#194-02        ALD. GERST seeking a new ordinance regulating temporary structures in residential zones.

ACTION:        NO ACTION NECESSARY 7-0

NOTE: Alderman Gerst had informed the Chairman that the property owner whose actions had occasioned this item had moved from the city and agreed that it could be voted No Action Necessary, which the Committee did 7-0.

#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.

ACTION:        NO ACTION NECESSARY 7-0

NOTE: Alderman Stewart had filed this item based on his belief that most stations in the city in fact did open early than the ordinance preferred time of 7:00 A.M. and that at least one station in the city was being harassed unreasonably by a neighbor for early openings. He acknowledged to the Chairman that there had been no disputes concerning this station for at least two years. Based on that acknowledgement, on the fact that any station can seek an individual exemption for an early start from the Board, and on the Chairman's observation that at least one station is so close to homes that an early opening would be seriously detrimental to several neighbors, the Committee voted No Action Necessary 7-0.

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

ACTION:        REFERRED TO 2004-05 BOARD 7-0

NOTE: The proposed ordinance had been redrafted by Mr. Baseman based on a meeting with Alderman Lipsitt, Mr. Kruse and Planner Alexander Ananth. Ms. Ananth's return from a trip to Chicago had been delayed by the storm so she was not present. The term "partition fence" has become "perimeter fence." The relationship between the height of a fence and its distance from the lot line was discussed and left at the original one foot higher for each foot back from the lot line. Richard Griffin, Chair of the Urban Design and Beautification Commission, was pleased with the Commission's proposed appeal role in the ordinance process but raised a possible conflict between the height measurement and that in the state building code for fences atop retaining walls. It was agreed to follow the code and measure from the grade of the retained land. Alderman Johnson expressed concern that a fence in her neighborhood with an egregious visual impact on five surrounding properties would not be controlled. Alderman Baker and others expressed concern about possible conflict in historic districts where a district commission might give permission for higher fences to be historically correct only to have the fence rejected in this process. Aldermen differed on what the opinions of the full Commissions would be. A public hearing on this item requested by at least four committee members because of widespread possible application would be delayed until after the Commissions had deliberated on this item at their January or December

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meetings. The public hearing was tentatively scheduled for the first Committee meeting in February. The Committee then voted 7-0 to refer the item to the next Board with the hope that Alderman Lipsitt would return to testify on it. She said she would make no rash promises. The Committee then adjourned for the term to the great relief of all.

Respectfully submitted,  
Brian Yates, Chairman