

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, MARCH 11, 2002

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

Absent: Ald. Fischman, Johnson, and Mansfield

Also present: Ald. Bullwinkle

City officials present: Michael Baseman, Assistant City Solicitor, Linda Finucane, Clerk

#398-01(2) ZONING & PLANNING COMMITTEE proposing to add the following definition for “health club” to Sec. 30-1: “Health club: An establishment which as its primary purpose provides facilities for aerobic exercises, running and jogging, exercise equipment, swimming facilities and saunas, showers, massage rooms and lockers. Such establishments are usually open only to members and their guests on a membership basis and not to the public at large paying a daily admission fee.” **PUBLIC HEARING HELD 2/25/02.**

ACTION: APPROVED AS AMENDED 5-0 (DRAFT ORDINANCE ATTACHED)

NOTE: At the public hearing Attorney Alan Schlesinger raised the concern that the proposed definition would be applied eventually to facilities that it was not intended to cover. In addition to his client, he said that facilities like the YMCA might be covered. He felt that even the language “its primary purpose” was not sufficiently precise to cover multi-purpose facilities like the Jewish Community Center (JCC) and the Y where the health club facilities are clearly a major if not the major purpose of the facility. The Chairman agreed that we should make every effort to avoid such unintended consequences, particularly in the future when all the parties familiar with the intent were gone. He suggested that the committee develop a hierarchy of health fitness and related uses based on one of the samples from other communities and specifically exclude the types of facilities in this definition that were intended. The other committee members disagreed and felt that the definition should be revised using terms from the other definitions, leaving the addition of the other terms for a later date. The committee therefore approved several amendments to sharpen its focus on the health clubs operating in or near village centers. To avoid catching non-profits like the JCC or the Y, the first sentence was revised to include the term “commercial establishment,” and the last sentence revised to explain that “Such establishments are operated as a business even if open only to members and their guests on a membership basis and not to the public at large paying a daily admission fee.” The list of uses also troubled members. The excluded term “game courts” only comes into play at the larger facilities like Dedham Health and Athletic Club. The two West Newton clubs lack both

game courts and swimming facilities. To make it clear that the health clubs are only the smaller courts with the least range of facilities but to still make the definition flexible enough to be properly used, the following introductory words were added before the list of uses “individual health activities such as” and the words “swimming facilities” were struck. The committee then voted unanimously to approve the item as amended.

#432-01 ALD. SANGIOLO proposing to add a definition for “recreational facilities” to Sec. 30-1.

ACTION: HELD 5-0

#373-01 ALD. SANGIOLO proposing an ordinance requiring setbacks for athletic fields and structures occupying athletic fields from abutting residential properties.

ACTION: HELD 5-0

NOTE: Ald. Sangiolo will attempt to develop texts for these items for possible hearing in late April. The Committee voted unanimously to hold them.

#430-01 ZONING & PLANNING COMMITTEE proposing discussion of the “phantom parking credit” in Sec. 30-19 (c)(2)a).

ACTION: HELD 5-0

NOTE: Ald. Yates felt that this more general item was no longer needed since the specific instance in West Newton had been dealt with. He also was concerned that further action on this matter might make all the businesses in the old village centers not conforming. Ald. Baker felt that it still had general relevancy and deserved further discussion in the future. Ald. Yates agreed that the issue had relevance to the placement of restaurants in village centers and reluctantly went along with the committee vote to hold the item.

86-02 ALD. MANSFIELD proposing to amend Sec’s. 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.

ACTION: HELD 5-0

NOTE: Ald. Mansfield could not be present, and this item needed to be considered together with the previously heard and yet to be heard relevant items. The committee therefore voted unanimously to hold it.

87-02 ALD. BULLWINKLE proposing that health clubs/fitness centers be allowed only by special permit.

ACTION: NO ACTION NECESSARY 5-0

NOTE: Ald. Bullwinkle joined the committee for the discussion of this item. After he was informed that the definition was recommended for approval, he agreed that the previous Board

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vote to impose the parking restrictions on such uses covered most of his concerns. His item was a fail-safe and if it was no longer needed for that purpose, he was willing to have it voted No Action Necessary. Alderman Gentile made a motion to that effect and the committee approved it unanimously and then adjourned.

Respectfully submitted,

Brian Yates, Chairman

Attachment: Draft Ordinance #398-01(2)