

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE AGENDA

MONDAY, NOVEMBER 25, 2002

7:45 PM
Room 202
Newton City Hall

NEW BUSINESS:

#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.

Re-appointment by His Honor the Mayor

#442-02 AUDREY COOPER, 114 Berkeley Street, West Newton, re-appointed on October 31, 2002 as member of the PLANNING AND DEVELOPMENT BOARD for a term of office to expire on February 1, 2007 (60-day Board action date 1/17/03).

Re-appointment by His Honor the Mayor

#443-02 JOYCE MOSS, 229 Franklin Street, Newton, re-appointed on October 31, 2002 as a member of the PLANNING AND DEVELOPMENT BOARD for a term of office to expire on February 1, 2006 (60-day Board action date 1/17/03).

Re-appointment by His Honor the Mayor

#444-02 ROGER WYNER, 24 Pudding Stone Land, Newton Centre, re-appointed on October 31, 2002 as member of the PLANNING AND DEVELOPMENT BOARD for a term of office to expire on February 1, 2007 (60-day Board action date 1/17/03).

Re-appointment by His Honor the Mayor

#445-02 GLENN VANAMAN, 22 Columbia Avenue, Newton Upper Falls. re-appointed on October 31, 2002 as an ALTERNATE member of the PLANNING AND DEVELOPMENT BOARD for a term of office to expire on February 1, 2006 (60-day Board action date 1/17/03).

Re-appointment by His Honor the Mayor

#446-02 CAROL BEARD, 250 Hammond Pond Parkway, Chestnut Hill, re-appointed on October 31, 2002 as an ALTERNATE member of the PLANNING AND DEVELOPMENT BOARD for a term to expire on February 1, 2006 (60-day Board action date 1/17/03).

Appointment by His Honor the Mayor

#447-02 DAVID GALLER, 52 Page Road, Newtonville, appointed on November 4, 2002 as a regular member of the HISTORICAL COMMISSION and as a regular member of the UPPER FALLS HISTORIC DISTRICT COMMISSION for concurrent terms to expire on January 1, 2005 (60-day Board action date 1/17/03).

Re-appointment by His Honor the Mayor

#448-02 WILLIAM ROESNER, 34 Hancock Avenue, Newton Centre, re-appointed on November 4, 2002 as a regular member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire on January 1, 2005 (60-day Board action date 1/17/03).

Re-appointment by His Honor the Mayor

#449-02 ROBERT SILVER, 23 Woodhaven Road, Waban, re-appointed as a member of UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire on July 31, 2005 (60-day Board action date 1/17/03).

#450-02 ANTOL ZUKERMAN et al. petitioning for change of zone on NOBLE STREET, WEST NEWTON, from SINGLE RESIDENCE 3 to MULTI RESIDENCE 1.

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#124-02(11) HIS HONOR THE MAYOR submitting the FY04-FY08 CAPITAL IMPROVEMENT PROGRAM, pursuant to Section 5-3 of the NEWTON CITY CHARTER, which requires Board of Aldermen approval of a plan to finance new local capital projects totaling \$160,847,242 over the next several years:

SUMMARY

PUBLIC WORKS (GRANT/FEE FUNDED)	\$ 58,022,114
PUBLIC WORKS (CITY FUNDED).....	\$5,820,000
PUBLIC SAFETY	\$3,349,000
PUBLIC BUILDINGS.....	\$3,941,400
PUBLIC EDUCATION	\$80,156,728
PARKS & RECREATION	\$7,479,000
OTHER	\$2,079,000
TOTAL.....	\$160,847,242

BUSINESS TO BE DISCUSSED:

#145-02 ALD. LIPSITT & JOHNSON requesting that the "sunset" provision in Sec. 30-8(d)(4) and Sec. 30-9(h)(2), relating to the lawful use of pre-existing accessory apartment units, be eliminated or extended.

SEE ATTACHED.

#185-01 PLANNING & DEVELOPMENT BOARD proposing that the definitions for "Dwelling, attached", "Dwelling, two-family", "Common roof connector" and "Common wall connector" in Sec.30-1 **Definitions.** be amended.

#216-00(2) ZONING & PLANNING COMMITTEE transmitting the recommendation of the Section 30-15 Task Force proposing to amend Chapter 30 of the City of Newton Ordinances, as follows:

Delete the present text of §30-15(1) which permits a 2-family dwelling to be constructed or an existing 1 family dwelling to be altered, extended or reconstructed to a 2 family dwelling with a minimum lot area per dwelling of 3,000 sq. feet in the Multi-Residence 1 and 2 Districts even though the minimum lot area in those districts is 7,000 sq. feet. All references to this provision which appear in Table 1 would be deleted. Table 1 would be further amended so that the minimum lot area per dwelling unit in both Multi Residence 1 and 2 would be 3,500 sq. feet.

Amend the provisions of §30-21(a)(1)(a) to state that alteration, reconstruction, extension or structural change to an existing 2 family structure which currently has a lot area per dwelling of 3,000 sq. feet will not be considered to increase the non-conforming nature of such structure.

SEE ATTACHED.

RE-APPOINTMENT BY HIS HONOR THE MAYOR

#368-02 CATHERINE CLEMENTS, ESQ., 25 Hunter Street, West Newton, re-appointed on October 10, 2002 as a member of the ZONING BOARD OF APPEALS for a term expiring September, 2005 (60-day Board action date 12/20/02).

RE-APPOINTMENT BY HIS HONOR THE MAYOR

#370-02 JOSEPH G. COSGROVE, ESQ., 125 Shornecliffe Road, Newton, re-appointed on October 10, 2002 as an ASSOCIATE member of the ZONING BOARD OF APPEALS for a term expiring September, 2003 (60-day Board action date 12/20/02).

RE-APPOINTMENT BY HIS HONOR THE MAYOR

#372-02 ANTHONY SUMMERS, ESQ., 11 Marshall Street, Newton Centre, re-appointed on October 10, 2002 as a member of the ZONING BOARD OF APPEALS for a term expiring September, 2005 (60-day Board action date 12/20/02).

BUSINESS NOT YET SCHEDULED FOR DISCUSSION:

RE-APPOINTMENT BY HIS HONOR THE MAYOR

#374-02 BERNARD SHADRAWY, ESQ., 789 Commonwealth Avenue, Newton Centre, re-appointed on October 10, 2002 as an ASSOCIATE member of the ZONING BOARD OF APPEALS for a term expiring September, 2003 (60-day Board action date 12/20/02).

#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.

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

#196-02 NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION submitting pursuant to MGL Chapter 40C, Section 3, a recommendation that ARTICLE III. HISTORICAL COMMISSIONS AND DISTRICTS of the City of Newton Revised Ordinances, 2001, be amended by establishing a local historic district in Auburndale

APPOINTMENT BY HIS HONOR THE MAYOR

#284-02 ROBERT AMATRUDA, 31 Lucille Place, Newton Highlands, appointed on August 1, 2002 as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office which will expire on July 31, 2005 (60-day Board action date 10/11/02).

#231-02(2) ZONING & PLANNING COMMITTEE transmitting the recommendation of the Section 30-15 Task Force to re-zone from MULTI RESIDENCE 1 to SINGLE RESIDENCE 3 the following properties identified by address in Ward 6 in order to have the zoning for these properties reflect the predominate actual single-family use:

Oakmont Avenue: 5, 10, 14, 15, 20, 24, 25, 30, 31, 34, 40, 41, 44, 50, 54, 55, 60, 61, 65 & 66

Jackson Street: 65, 84, 89, 90, 95, 101, 125 & 131

Cypress Street: 290, 298, 302 & 308

Dudley Road: 6 & 16

Boylston Street: 435 (parcel on corner of Dudley Road)

#285-02 ZONING & PLANNING COMMITTEE transmitting the recommendation of the Section 30-15 Task Force to re-zone from MULTI RESIDENCE 1 to SINGLE RESIDENCE 3 the following properties identified by address in Ward 4 in order to have the zoning for these properties reflect the predominate actual single-family use:

Woodbine Street: 12, 18, 26, 30, 38, 39, 44, 45, 48, 49, 54, 55, 60 & 65

2240 Commonwealth Avenue (parcel also fronts on Woodbine Street

Vacant lot immediately to the north and west of 65 Woodbine Street, located at the southeast corner of Woodbine Street and Commonwealth Avenue

Auburn Street: 459, 465, 473, 483 & 493

Woodbine Terrace: 24, 28, 32, 36 & 40, including the unnumbered lot between 24 Woodbine Terrace and 60 Woodbine Street

Rockwood Terrace: 12, 16, 19, 21 & 22

#286-02 ZONING & PLANNING COMMITTEE transmitting the recommendation of the Section 30-15 Task Force to re-zone from SINGLE RESIDENCE 3 to MULTI RESIDENCE 1 the following properties identified by address in Ward 3 in order to have the zoning for these properties reflect the predominate actual two-family use:

Northgate Park: 2-14, 28-30, 31-33, 32-34, 36-38, 37-39, 42-44, 46-48, 47-49, 50-52, 53-55, 56, 59-61 & 62

Southgate Park: 15, 18-20, 24-26, 28-30, 29-31, 32-34, 33-35, 36-38, 37-39, 42-44, 43-45, 46-48, 47-49, 50-52, 53-55, 56-58, 57-59, 60-62, 63, 66 & 69

Waltham Street: 350-352, 354-356, 358-360, 362-364 & 359

Adena Road: 105-107, 109-111, 115-117 & 121-123

Colman Street 12-14

Derby Street: 24-26

Rangeley Road: 48-50, 51-53, 52-54, 55-57, 56-58, 59-61, 62-64 & 63-65, including the vacant lot immediately to the north of 51-53 Rangeley Road, located at the southwest corner of Rangeley Road and Derby Street

Kilburn Road: 3, 7-9, 10, 11-13, 17, 21-23, 27-29, 30 & 34

Talbot Street: 32

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 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.

#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.

#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.

#168-02 **REFER TO ZONING & PLANNING & FINANCE COMMITTEES**
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 provision enforced by the Conservation Commission.

#145-02 ALD. LIPSITT & JOHNSON requesting that the "sunset" provision in Sec. 30-8(d)(4) and Sec. 30-9(h)(2), relating to the lawful use of pre-existing accessory apartment units, be eliminated or extended.

#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.

ITEM RECOMMENDED 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.

- #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.

ZONING AND PLANNING COMMITTEE AGENDA

NOVEMBER 25, 2002

Page 9

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

#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.

Respectfully submitted,
Ald. Brian Yates, Chairman