

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, FEBRUARY 26, 2001

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

Absent: Ald. M. Lipof, Mansfield, and Merrill

Appointment by His Honor the Mayor

# 18-01        JOSEPH I. PROMAN, 155 Hobart Road, Newton Centre, appointed as an Alternate member of the PLANNING & DEVELOPMENT BOARD to fill the remainder of Ms. Janelle Tiernan's term, which will expire on February 1, 2005 (Board action date 3/17/01).

ACTION:        APPROVED 5-0

NOTE:         Mr. Proman is a fifty-year-old 20-year resident of the city who owns a clothing manufacturing business in Boston that employs approximately one hundred people. He is active in his children's school's parent organization, and asked the Mayor for an opportunity to contribute to the city as a whole. The Mayor has appointed him as an Alternate member of the Planning and Development Board replacing Janelle Tiernan who has left the city. The Committee thanked him for his willingness to serve, and approved his appointment 5-0.

Appointment by His Honor the Mayor

# 34-01        JOSEPH COSGROVE, 125 Shornecliffe Road, as an Associate Member of the ZONING BOARD OF APPEALS for a term of office to expire January 1, 2002 (Board action date 4/6/01).

ACTION:        APPROVED 5-0

NOTE:         Mr. Cosgrove is former member of the Board of Assessors. He is a lifelong Newton resident who has a real estate land use practice. (See attached resume.) He will fill a long vacant seat. The Committee members thanked him for his willingness to serve the city again and voted 5-0 to approve his appointment.

# 65-01        HIS HONOR THE MAYOR appointing MARK GILROY as COMMISSIONER OF INSPECTIONAL SERVICES pursuant to Sec 3-3(b) of the City Charter, effective March 6, 2001.

ACTION:        APPROVED 5-0 (RESUME ATTACHED)

NOTE:         The Committee was extremely pleased that the Administration had responded to the clear measure of the Committee that Mr. Gilroy should receive the

permanent appointment. Mr. Rourke said that he had done a great deal already to improve the functioning of the Department and that he deserved the opportunity to do so as permanent Commissioner. Mr. Gilroy and Mr. Rourke explained some of the recent improvements made in the Department. Mr. Gilroy has won the agreement of this staff to work staggered shifts that will enable the office to be open from 7 A.M. to 5 P.M. He has given individual inspectors the authority to issue permits for minor matters like kitchen remodeling, porch repairs, etc. that had previously been delayed by sign-offs from more than one person. Consultant Jerry Bruno has been brought in to suggest further improvements in the permit process. Mr. Gilroy's current position will be filled as soon as possible, since there is a great deal of work to catch up. However, the hiring and orientation process will take at least two months. Ald. Yates urged both men to develop a system in which police officers on night patrol are made aware of possible zoning violations so that the violations can be documented without tying up Zoning Inspectors for extensive night work that will deprive the department of their time during the day. They promised to look into it. The Committee voted with great enthusiasm 5-0 to confirm Mr. Gilroy's appointment.

# 19-01      ALD. BULLWINKLE, GENTILE & SALVUCCI proposing that Sec 30-12, MANUFACTURING DISTRICTS, subsections (a)(6), (a)(27), (b), (b)(6), and (c)(16) be amended to prohibit on-site collection, storage, transfer-haul, or composting of any kind of trash or waste including but not limited to yard waste or recyclable material either as a principal or accessory use, whether by right or by special permit.

ACTION:      APPROVED AS AMENDED 4-0-1 (SANGIOLO ABSTAINING)

NOTE:      There had been extensive testimony at the February 12<sup>th</sup> public hearing concerning a possible composting or grass transfer haul station proposed for a Border Street location. Residents and other business people were extremely concerned about possible odors and traffic. The owner of the proposed business said that he would not compost and that any grass at his facility would be removed on the next business day (letters attached). Nevertheless, all Committee members recalled the detrimental impact of the city's compost site on the surrounding area and the proximity of manufacturing districts to many of the older neighborhoods of the city and were prepared to vote for a prohibition of any such use in such districts. An amendment clarifying what was included in the term "yard waste" was accepted unanimously. Several members were concerned about the inclusion in the prohibition of the words "recyclable materials" and felt that this might lead to the prohibition of legitimate uses for the recycling of bottles and cans at stores within the manufacturing district. Ald. Gentile pointed out that such uses were not uses by right or by special permit in the Manufacturing Districts and thus would not be affected. He further stated that if it became an issue on the floor, he would accept an amendment striking the words. If the operation of the amendment did have an impact on such issues, an amendment allowing them could be introduced and adopted. These understandings swayed Ald. Yates and Baker. (Ald. Johnson had joined Alderman Gentile in supporting the broader language offered by the Law Department in order to protect fully the north side neighborhoods near manufacturing districts. Ald. Yates pointed out that there were manufacturing districts across from his block on Chestnut

Street at the Elliot and Oak Street intersections.) Ald. Sangiolo was still uncertain on the issue so she abstained. The amendment passed as amended with the clarifying language 4-0-1 (Ald. Sangiolo).

#298-00        ALD. YATES proposing that Chapter 30 be amended by adding a definition for a “telecommunications facility, “e-distribution center, ” Internet data center, or similar term to define a high tech facility that holds and maintains banks of Internet computer equipment and to allow such use by right in Mixed Use 1 and Limited Manufacturing Districts.

ACTION:        NO ACTION NECESSARY 5-0

NOTE:         Ald. Yates moved No Action Necessary on the original item because a more precise definition had been included in 298-00(2) and because the second item had changed the use from by-right, which troubled some members, to special permit. Since virtually all telecom hotels would require special permits because of their size, this seemed reasonable. The Committee voted No Action Necessary on the basic item.

#298-00(2)    ALD. YATES proposing that Chapter 30 be amended by adding a definition for a “telecommunications and data storage facility” to define a facility for the operation, monitoring and maintenance of telecommunication switching equipment, data storage computers, internet connectivity routers and ancillary equipment and to allow such use by special permit in Mixed Use 1 and Limited Manufacturing Districts.

ACTION:        APPROVED 5-0

NOTE:         Chuck Eisenberg, Vice-Chair of the Economic Development Commission, had spoken in favor of the concept at the public hearing. The uses generate revenue but little traffic. Ald. Johnson had initially had concerns about possible environmental impacts but had since had her fears allayed. After listening to some brief selections by Ald. Yates from a *New Yorker* article (excerpt attached) that described how such uses were becoming popular in Manhattan, Ald. Gentile moved approval, which passed 5-0.

Re-appointment by His Honor the Mayor

# 66-01        SAMUEL D. PERRY, 26 Old Orchard Road, Chestnut Hill, re-appointed to the CHESTNUT HILL HISTORIC DISTRICT COMMISSION as an Alternate member for a term of office expiring January 1, 2004 (60-day Board action date 4/21/01).

ACTION:        APPROVED 5-0

NOTE:         Ald. Baker moved approval of all three historic commission re-appointments. They were well known to one or more members of the Committee, and he would not be present to vote for them at the next meeting. Ald. Yates asked if Mr. Perry could have explained to us how property owners in historic districts are informed of the standards they must meet. This seemed important since at least three areas are considering historic districts. Ald. Baker said the design standards were sent out to all property owners in the Chestnut Hill District by a private non-profit group, and offered to

ZONING AND PLANNING COMMITTEE REPORT

February 26, 2001

Page 4

provide copies to the Board. Mr. Perry is a member of the family that painted historic Williamsburg and an original member of the Chestnut Hill Historic District Commission. The Committee voted 5-0 to approve his re-appointment.

Re-appointment by His Honor the Mayor

# 67-01        LAWRENCE C. BAUER, 42 Eliot Memorial Road, Newton Corner, re-appointed as member of the NEWTON HISTORICAL COMMISSION for a term of office expiring January 1, 2004 (60-day Board action date 4/21/01).

ACTION:        APPROVED 5-0

NOTE:         Mr. Bauer is an architect who has served on the Commission for a long time. The Committee voted 5-0 to approve his re-appointment.

Re-appointment by His Honor the Mayor

# 68-01        CLAUDIA SAUERMAN WU, 25 Sewall Street, West Newton, re-appointed to the NEWTON HISTORIAL COMMISSION as an Alternate member for a term of office expiring January 1, 2004 (60-day Board action date 4/21/01).

ACTION:        APPROVED 5-0

NOTE:         Ms. Wu is an attorney who works for the National Trust for Historic Preservation and served as a member of the Framework Plan Committee. The Committee voted 5-0 to approve her re-appointment.

All other items were held without discussion and the meeting was adjourned at approximately 9:50 PM.

Respectfully submitted,

Ald. Brian Yates, Chairman