

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE AGENDA

MONDAY, APRIL 23, 2001

7:45 PM  
ROOM 202

**BUSINESS TO BE DISCUSSED:**

**7:45 PM BUDGET – INSPECTIONAL SERVICES DEPARTMENT**

**8:45 PM BUDGET – PLANNING DEPARTMENT and #123-01**

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

- #113-01 HIS HONOR THE MAYOR, in accordance with Section 5-1 of the Newton City Charter, submitting the FY2002 Municipal/School Operating Budget, including Water/Sewer for a total of \$232,421,103.  
**EFFECTIVE DATE OF SUBMISSION: APRIL 17, 2001**  
**LAST DAY TO PASS BUDGET: JUNE 1, 2001**

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

- #123-01 ASSOCIATE DIRECTOR FOR HOUSING AND COMMUNITY DEVELOPMENT requesting Board of Aldermen authorization to submit to the US Department of Housing and Urban Development (HUD) the FY2002 Annual Action Plan for the City of Newton and the Brookline-Newton-Waltham-Watertown HOME Consortium. **This Plan must be submitted to HUD by May 15, 2001.**

**PUBLIC HEARINGS ASSIGNED FOR MAY 14, 2001:**

- #124-01 ALD. MANSFIELD, SANGIOLO, BAKER requesting the Chapter 30, **DIVISION 4. DENSITY AND DIMENSIONAL CONTROLS**, be amended by deleting the present text of Sec. 30-15 ( c ) which provides protections for certain residential lots created prior to October 11, 1940, and substitute therefor new regulations applicable to all residential lots, which regulations are similar to the protections afforded lots for single and two-family residential use pursuant to G.L. c.40A, §6, including the requirement that such lots contain a minimum of 50 ft. of frontage and 5,000 sf ft of area in order to be built upon. The proposed amendments would also modify the existing regulations pertaining to adjoining residential lots held in common ownership after 1950 and to residential lots which have been modified as to lot size or shape due to lot line changes by deed or plan.

- #125-01 ALD. MANSFIELD & BAKER requesting that **Sec. 30-26. Alteration, etc., of structure when shape or size of lot is changed.** be amended by creating a new Section 30-26 with subsections (a) and (b). Subsection (a) will include the existing text of Sec.30-26 with proposed amendments. Subsection (b) will provide regulations amending and clarifying the dimensional controls of Sec. 30-15, Table 1 applicable to residential lots which have been modified as to size or shape by lot line changes by deed or plan.
- #126-01 ALD. MANSFIELD & BAKER requesting that **Sec. 30-21. Applicability of chapter to existing building; nonconforming uses; prior permits.** be amended by clarifying the provisions of 30-21(a)(1)a) to reflect the current practice of permitting alteration, reconstruction, extension, or structural change to a valid non-conforming single or two-family residential structure on a lot with substandard frontage or area provided that such alteration, reconstruction, extension, or structural change does not increase the nonconforming nature of the structure.

**BUSINESS NOT YET SCHEDULED FOR DISCUSSION:**

- #121-01 ALD. O'HALLORAN requesting that Chapter 30, **ARTICLE III. PARKING AND LOADING FACILITIES**, of the Rev Zoning Ordinances, 1995, be amended as follows: Amend Sec. 30-19(d), *Number of Parking Stalls*, to call for an increase in the required number of parking stalls to be provided for each residential dwelling unit depending on the size (gross floor area) of each unit.

Re-appointment by His Honor the Mayor

- #122-01 DONALD TELLALIAN, 19 Crystal Street, Newton Centre, re-appointed as a member of the NEWTON UPPER FALLS DISTRICT COMMISSION for a term of office expiring January 1, 2004.

**REFERRED TO PROGRAMS&SERVICES, ZAP & FINANCE COMMITTEES**

- # 64-01 ALD. PARKER, M. LIPOF, YATES, TATTENBAUM, SANGIOLO, BAKER, MANSFIELD, JOHNSON requesting discussion of possible implementation of the Massachusetts Community Preservation Act in Newton.

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

- # 33-01 ALD. YATES proposing an ordinance to establish a special assessment policy for the substantial rehabilitation of owner-occupied residential properties listed in the State Register of Historic Places (§5J.of MGL Chapter 59).
- #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.

- #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.
- #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.
- #274-00      NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION proposing that the existing boundaries of the Newton Upper Falls Historic District be expanded to include Chestnut Street south of Elliot Street to Oak Street, Hale Street, and portions of Pennsylvania Avenue and Elliot Street located between or adjacent to Chestnut and Hale Streets.
- # 27-00      ALD. SANGIOLO requests an update from the Law Department on the status of the challenge to the Dover Amendment.
- #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.
- #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.
- #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.
- # 26-00      ALD. SANGIOLO requesting discussion with Planning, Law, and Inspectional Services Departments regarding amending certain sections of Chapter 30 to be consistent with Chapter 40A of the Massachusetts General Laws.
- #518-99      ALD. BAKER & YATES requesting presentation and discussion of planning and zoning ideas regarding the Route 9/Hammond Street corridor prepared for the joint Newton/Brookline Chestnut Hill Village Alliance by three teams of MIT students as part of their fall semester coursework.
- #459-96      ALD. PARKER & SAMUELSON proposing to amend Sec. 30-15 Density and Dimensional Controls, including elimination of exemption for pre-

existing 12/7/53 lots and changes to subsection (c) and elimination of subsection (j).

- #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.
  
- #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.
  
- # 7-99        ALD. PARKER requesting discussion of possible zoning amendments to create additional residential districts with different FAR and lot size requirements.
  
- #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.
  
- #366-95      ALD. YATES proposing the establishment of a "Recycling Market Development Zone."
  
- #367-95      ALD. YATES proposing the establishment of a subzone of the "Foreign Trade Zone of the Port of Boston" within Newton.
  
- #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.
  
- #106-00      ALD. MANSFIELD & PARKER on behalf of a petition signed by 70 residents, requesting that the Planning and Development Department undertake a study of the impacts of the potential build-out of the Bowen-Thompsonville area as it is currently zoned, including effects upon traffic, utilities, schools, and other infrastructure.  
**HELD PENDING RECEIPT OF STUDY FROM PLANNING DEPARTMENT**
  
- #326-99      ALD. YATES proposing amendments to Chapter 30 to encourage railroad related uses in Mixed Use Districts land adjacent to railroad.

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# 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.

#169-00 ALD. YATES proposing an amendment to Chapter 30 to prohibit granting permits for telecommunications and antennae to providers which hold more than 1000 unused telephone numbers or which have not filed a binding agreement to not seek more than 1000 numbers at a time in the future.

**REFERRED TO LAND USE AND ZONING & PLANNING COMMITTEES**

#139-99 ALD. TATTENBAUM requesting discussion with Commissioner of Inspectional Services re enforcement of zoning ordinances and of special permit conditions.

Respectfully submitted,

Ald. Brian Yates, Chairman