

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, JUNE 11, 2001

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

Absent: Ald. Mansfield

Also present: Ald. Lipsitt

Committee Staff present: Ouida Young (Law), Lou Mercuri (Planning), Linda Finucane (Clerk's)

Board of Assessors: Chair, Elizabeth Dromey

ISD staff present: Commissioner Mark Gilroy and Zoning Administrator Peter Bronson

Section 30-15 Task Force Members: Ouida Young, Peter Bronson, Lou Mercuri, Mark Gilroy, and Attorney Alan Schlesinger

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.

ACTION: NO ACTION NECESSARY 7-0

REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES

64-01(2) PROGRAMS & SERVICES COMMITTEE recommending Board of Aldermen approval of ballot question to implement Community Preservation Act in Newton.

ACTION: APPROVED 4-0-3 (JOHNSON, SANGIOLO, GENTILE ABSTAINING) AT 1%, NO EXEMPTIONS.

NOTE: Alderman Baker presented the vote of the Programs and Services Committee (see 6-1-01 Programs & Services report) on which he and 4 other Committee members also serve. Programs and Services had voted 7-0 to recommend the CPA for adoption with a surcharge rate of 1% and no exemptions. Although most of the Committee members favored getting as much reimbursement in the first year from the state when there is likely to be the fewest number of communities dividing up a relatively fixed annual subsidy, they voted for 1% with no exemptions rather than the 2% with \$100,000 and low- and moderate-income exemptions for two reasons. First, Ms. Dromey

had explained that sending out revised tax bills in the middle of the fiscal year was a very difficult proposition for cities. Towns hold their CPA elections in the spring well before the start of the fiscal year. Cities hold theirs in the middle of the fiscal year thus requiring that revised bills be prepared and sent out possibly throwing the city's cash flow into chaos. The difficulty is compounded by the unreliability of the city contractor that would be revising the tax bills and by the fact that next year is a revaluation with an increased burden on the Assessing Department. The greatest difficulty in her mind was the low- and moderate-income exemption process. This would require individual applications and a time consuming review of each one. Neither her Department nor the Housing Authority, which is responsible under the statute, has the staff to carry out this process. The other reason for voting the lower figure with no exemptions was the belief that it would be more likely to pass. Two per cent of nothing is nothing.

Alderman Lipsitt passionately disagreed with the Programs and Services Committee vote and urged the Committee to vote a higher figure with exemptions to cushion it. She was confident that the money could be found to pay for temporary staff. Aldermen Merrill and Gentile did not share her confidence, citing the dire fiscal picture painted by the administration. Alderman Lipsitt also disagreed with the argument that the lower uniform figure was more likely to pass. The votes for and against the CPA were unlikely to change based on details. Alderman Sangiolo agreed. After discussion with Ms. Dromey, it became clear that there was no real difference in difficulty between no exemptions and the \$100,000 exemption. Alderman Sangiolo moved that the Committee amend a motion by Alderman Lipof to adopt 1% with no exemptions to 2% with a \$100,000 exemption. The motion failed with Aldermen Sangiolo and Johnson voting in favor and Aldermen Baker, Lipof, Merrill, Gentile, and Yates voting no. Alderman Johnson said that the \$100,000 exemption would reduce the impact to a comparable (or even lower) level than 1% without an exemption. She moved 1.5% with a \$100,000 exemption. It failed by an identical vote.

Item 64-01 (2) was approved at 1% with no exemptions by four votes (Yates, Baker, Merrill, and M. Lipof) in favor, none opposed, and three abstaining (Gentile, Sangiolo, Johnson). Alderman Gentile was uncertain as to how much a vote in favor was to place the item on the ballot and how much it was an endorsement of the substance,

Appointment by His Honor the Mayor

#149-01 DONALD LANG, 880 Watertown Street, Newtonville, appointed to the CHESTNUT HILL HISTORIC DISTRICT COMMISSION as an Alternate member for a term of office expiring June 1, 2004 (60-day Board action date 7/6/01).

ACTION: APPROVED 7-0

NOTE: Mr. Lang is an architect with a practice focusing on historic preservation. He has served on a Cambridge Neighborhood Conservation District Commission. He has attended District Commission meetings and is enthusiastic about the chance to serve. The Committee was impressed with his qualifications and his enthusiasm and voted approval of this appointment to the Commission 7-0.

#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.

ACTION: HELD 6-0 (M. LIPOF NOT VOTING)

#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.

ACTION: HELD 6-0 (M. LIPOF NOT VOTING)

NOTE: The Planning Board Chair Roger Wyner had pointed out a scenario in which the provisions of #126-01 would give the owners of two large lots in Single Residence Districts the ability to create a third lot in two stages that they would be unable to do now. Two new sections 5 and 6 were offered to prevent this situation, but it opened up discussion as to other possible unintended consequences of the amendments and the complexity generated by the effort to avoid them. There was also concern raised about the use of a rolling five-year deadline to avoid abuses rather than a fixed one. It became clear that more reflection was needed on this and the other elements of the package. Alderman Gentile particularly wanted more information on the impact of removing the

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ability to develop vacant lots under 5,000 square feet. This and other information will be available at the next Committee meeting, June 25.

The Committee voted to hold the items and adjourned after tentatively scheduling a meeting for Thursday July 12.

Respectfully submitted

Brian Yates, Chairman