

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, SEPTEMBER 10, 2001

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

Absent: M. Lipof and Mansfield

Also present: Ald. Lipsitt

City officials: Michael Baseman (Associate City Solicitor), Mark Gilroy (Commissioner of Inspectional Services), Lara Kritzer (Preservation Planner), Sandy Pooler (Chief Budget Officer), Linda Finucane (Chief Committee Clerk)

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

#277-01 HIS HONOR THE MAYOR requesting that the sum of \$23,000 be transferred from the Public Buildings Department Administrative Salary account to the Inspectional Services Department Administrative Salary account in order to fund an additional full-time plumbing inspector position in ISD.

ACTION: APPROVED 6-0

NOTE: Inspectional Services Commissioner Mark Gilroy and Chief Budget Officer Sandy Pooler presented the item. The funds are needed to enable Mr. Robert Caruso formerly a plumber with the Public Buildings Department to become a fulltime Plumbing Inspector. This change is necessary both to replace a deceased inspector and to accommodate an increased workload. Committee asked about overall departmental workload and was pleased to learn that it has been reduced. Mr. Gilroy expressed his pleasure at filling his former position of Chief Plans Examiner with an applicant from Brookline. The Committee voted unanimously to approve the item.

Re-appointment by His Honor the Mayor

#122-01(2) DONALD TELLALIAN, 19 Crystal Street, Newton Centre, re-appointed as a member of both the NEWTON HISTORICAL COMMISSION and the UPPER FALLS DISTRICT COMMISSION for terms of office expiring January 1, 2004 (60-day Board action date 11/3/01).

ACTION: APPROVED 6-0

NOTE: Mr. Tellalian is one of the Newton Historic Commission members required by statute to serve on the Upper Falls Historic District Commission. He is an architect and uses his skills in reviews on both Commissions. He gave the Committee some background on issues recently before the Commission and expressed support for an ordinance change to provide some penalty for owners in the district who fail to complete a started project for several years for no apparent reason and to the great detriment of the neighborhood. The Committee was grateful for his willingness to serve on both Commissions and approved his re-appointment 6-0.

Appointment by His Honor the Mayor

#186-01(2) DAVID H. FEINBERG, 24 Lee Road, Chestnut Hill, appointed as a member of the Chestnut Hill Historic District Commission for a term of office to expire July 31, 2003 (60-day Board action date 11/3/01).

NOTE: APPROVED 6-0

ACTION: Mr. Feinberg is proposed for appointment as a resident member of the Chestnut Hill Historic District Commission. He is a graduate of Harvard and Harvard Law School who practiced with Foley, Hoag & Elliot until he opened his own software company. After selling the company, he has more free time and wants to serve the community. He is familiar with the Commission as an applicant and as an attendee at numerous Commission meetings. The Committee was pleased with his eagerness to serve and voted unanimously to approve his appointment.

Appointment by His Honor the Mayor

#224-01(2) PAUL GLICKMAN, 854 Chestnut Street, Waban, appointed as an Alternate member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term of office expiring July 31, 2004 (60-day Board action date 11/3/01).

ACTION: APPROVED 6-0

NOTE: Mr. Glickman is an attorney who has been active on traffic safety issues involving his section of Chestnut Street just north of Route 9. He lives very near the Upper Falls Historic District and would be happy to get training on the standards to be used in approving applications, particularly new construction in an historic district and on the details of the history of Upper Falls. His appointment is as an Alternate Attorney member although he will be able to serve in place of any of the full Commission members. The Committee voted 6-0 to approve his appointment.

Appointment by His Honor the Mayor

#236-01(2) TODD THOMAS, 1268 Boylston Street, Newton Upper Falls, appointed as an Alternate member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term of office expiring July 31, 2004 (60-day Board action date 11/3/01).

ACTION: APPROVED 6-0

NOTE: Mr. Thomas is a new resident of the District and a former applicant for a permit. He would serve as an Alternate resident member. However, he is an architect with considerable knowledge of historic preservation, which he would bring to the Committee deliberations just as he has as a citizen. The Committee approved his appointment 6-0 and was pleased to note that he stayed to participate in the deliberation on the item inspired by the long-delayed Richardson Road house which is across Route 9 from his house.

Re-appointment by His Honor the Mayor

#290-01        JOHN C. WYMAN, 47 Old Orchard Road, Chestnut Hill, re-appointed as a member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term of office expiring July 31, 2004 (60-day Board action date 11/3/01).

ACTION:        APPROVED 6-0

NOTE: Mr. Wyman is an original member of the Commission who has long served as its Chair. Although he is a resident of the District, he fills the Attorney seat on the Commission. Mr. Wyman shared his views on various issues before the Committee. He did approve of the ordinance change to allow fines for property owners who start but fail to complete work. However, he expressed concern that 18 months as proposed in the draft before the Committee based on concerns raised by the Upper Falls Commission might be too long a time. His Commission has long brought in permit holders at the one-year mark to make sure they are proceeding. This scrutiny appears to have kept property owners from leaving their projects half done. Mr. Wyman stayed for the discussion of the item after the Committee had approved his re-appointment 6-0.

Re-appointment by His Honor the Mayor

#291-01        ROBERT IMPERATO, 145 Washington Street, Newton, re-appointed as a member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term of office expiring July 31, 2004 (60-day Board action date 11/3/01).

ACTION:        APPROVED 6-0

NOTE: Although Mr. Imperato was not present, Alderman Baker moved approval of his re-appointment. Alderman Baker has observed Mr. Imperato in his role as the realtor member of the Chestnut Hill Historic District Commission. Alderman Baker stated and Mr. Wyman confirmed that he has been a valuable diligent member. Based on their recommendations, the Committee voted 6-0 to approve his appointment to the Commission where he has served for approximately five years.

Re-appointment by His Honor the Mayor

#292-01        ANNE O. SMITH, 33 Gate House Road, Chestnut Hill, re-appointed as a member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term of office expiring July 31, 2004 (60-day Board action date 11/3/01).

ACTION: APPROVED 6-0

NOTE: Although Ms. Smith was also not present, she is well known to several members of the Committee as one of the leading organizers of the commission, an original member (as a resident), and an extremely diligent member. The Committee voted 6-0 to approve her re-appointment.

**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).

ACTION: ZONING AND PLANNING APPROVED 5-0-1 (BAKER  
ABSTAINING)

NOTE: Alderman Yates proposed that the city accept this new enabling legislation that would encourage homeowners to substantially rehabilitate their historic properties in an historically correct manner by phasing in the increased property valuation over a five year period. Alderman Lipsitt asked about the fiscal impact. Since no property owner has used it in the towns that have accepted the general law, it is impossible to tell from experience in Massachusetts. However, a speaker from the Massachusetts Historic Commission could be asked to attend the Finance Committee meeting to explain the rationale for the law. Alderman Gentile expressed skepticism that the temporary reduction in taxes would be enough incentive to get many homeowners to use the new law. However, he felt the matter was innocuous and urged approval. The Committee agreed 6-0.

#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.

ACTION: HELD 6-0

NOTE: Alderman Yates had proposed this item in response to the condition of the house at the corner of Richardson Road and Route 9. It had received a permit several years ago (see attached memo from Lara Kritzer). The owner had begun and then ceased leaving the house with a blue tarpaulin in front of it, a totally overgrown yard and windows that appeared partially open, creating a hazard to the future of the house but not to the neighbors which could have given the city the right to act. Mr. Baseman had previously failed to persuade a judge to act against another property owner for failure to complete work and felt that such action here would be similarly futile under current ordinances. Alderman Yates therefore proposed to make the continued unsightliness of a half-done project a violation of the aesthetic standards of the districts. Alderman Gentile agreed that such half-done projects were a blight but not just in historic districts. He felt strongly that such an ordinance should be adopted citywide. Alderman Baker suggested that perhaps it could be done under the general Home Rule powers of the city, which

have been the legal basis for the Demolition Delay, Noise Ordinances and other measures. Alderman Gentile asked the Chair to ask Mr. Gilroy to inquire through his sources if any other communities have such ordinances. Mr. Baseman was instructed to draft a way to fit such a measure into the general ordinances. It is hoped that such a citywide measure can be ready for a working session following the Zoning public hearings on September 24. Until then the basic item was held and the following new items docketed 6-0 by the Committee: 128-00 (2) Zoning and 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 and Planning committee requesting that the Planning, Law and Inspectional Services Departments develop an effective way to prevent the construction of structures in the historic districts that do not require building permits but nonetheless have impact on the historic character of the districts.

Alderman Baker proposed this item after Ms. Kritzer cited commission concern over the construction of such items as low fences that have significant visual impact but are not referred to the Commission because they do not require building permits.

Re-appointment by His Honor the Mayor

#289-01      PAUL O'SHAUGHNESSY, 51 Pettee Street, Newton Upper Falls, re-appointed to the UPPER FALLS HISTORIC DISTRICT COMMISSION for a term of office expiring July 31, 2004 (60-day Board action date 11/3/01).

ACTION      HELD 6-0

NOTE: Although Mr. O'Shaughnessy is well known to the Chairman as an extremely hard working member of the Commission and is in fact its Chair, his appointment was held in the hope that he would arrive in time for the discussion on the failure to complete. When he did not, the item was held for the next Committee meeting.

Respectfully submitted  
Brian Yates  
Chair

Attachments;

Letters from Mayor and N. Parnell for #277-01

Lara Kritzer memos (2) re #128-00

Draft ordinance for #128-00

Elizabeth Dromey memo re #33-01

Massachusetts Historic Commission packet re #33-01