

Inspectional Services Department

City of Newton

Massachusetts

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CITY CLERK
NEWTON, MA. 02159

Inter-Office Correspondence

Date: 11/6/09

To: Board of Aldermen

**From: John D. Lojek, Commissioner Inspectional Services
David Norton, Zoning Enforcement Agent**

Re: Zoning Enforcement update/report

Attached please find a progress report of the zoning enforcement agent for two separate time periods: YTD- 1/1/09-10/30/09 and 5/4/09-10/30/09. The categorization from previous reports of some of the violations has changed, so direct comparisons to previous reports may be skewed. However, the numbers that are reported show consistent trends in our zoning enforcement efforts. The Joint Zoning Enforcement Task Force has been active throughout the year, meeting monthly, to update, discuss and strategize how to approach problem properties. There have been several quite successful enforcement actions that required the full cooperation of all departments involved to reach a satisfactory conclusion. These enforcement actions have been successful because of the existence of the Task Force.

The two issues that continue to burden the code enforcement personnel of the City are illegal apartments and abandoned properties. These two categories account for the majority of time spent on code enforcement.

Illegal apartments: We have identified nearly 50 illegal apartments this year. These situations create a very difficult and time consuming enforcement issue because many of the owners are either reliant upon the income or are profiting handsomely from the arrangement. Most owners are not prepared to give up these gains which they have become accustomed to. It is estimated that there are hundreds of these violations

throughout the City. A vast majority of the work that was necessary to create the illegal apartments was done without permits and therefore the safety of these arrangements is always questionable. Each illegal apartment can have a multitude of violations that clearly put lives at risk such as overcrowding, non vented plumbing fixtures, ungrounded and incorrectly installed wiring, removal of structural members and egress that is either blocked, incorrectly installed or non-existent. When these situations are uncovered they require the attention of Building Inspectors, Electrical Inspectors, Plumbing and Gas Inspectors, Health Inspectors, Fire Inspectors and often the Police Department. The Law Department is soon to follow. Illegal apartments can have a negative impact on the quality of life in the surrounding neighborhood. These impacts include: noise, parking, trash, increased police presence, greater risk of fire and additional burdens on the schools.

Abandoned and vacant buildings: We have identified approximately 30 properties that fall into this category within the City. This is a major neighborhood problem in that it creates a blight situation in otherwise very appealing areas. Additionally, it is well documented that abandoned and vacant buildings lead to increased presence of vermin and rodents, overgrowth of vegetation, risk of fire and vandalism, breaking and entering and places for adolescents to gather. The existence of these abandoned/ vacant properties affects the quality of life in the neighborhood and perhaps the property values of nearby homes.

Legislation has been introduced to deal with the abandoned/ vacant buildings in the City, which we hope will be considered and passed early next year.

Zoning Enforcement Progress Report
5/4/09 to 10/30/09

Abandoned autos-----	1
Accessibility-----	1
Apartments/ Illegal Units-----	17
Auto repair-----	1
Building Code Violations-----	6
Boarding House-----	1
Business Home-----	1
Business Illegal-----	4
Condemnation-----	0
Construction w/out a permit-----	21
Construction in the setback-----	4
Disabled/ Abandoned Vehicles-----	2
Electrical Code-----	17
Floor Area Ratio-----	1
Fence ordinance-----	8
Fire-----	1
Grade Change/Water Runoff-----	6
Life Safety-----	1
Light ordinance-----	2
License Violation-----	0
Maximum Capacity Exceeded-----	0
Minimum Housing-----	0
No Certificate of Occupancy-----	0
No Special Permit-----	4
Noise Ordinance-----	1
Open and Abandoned property-----	1
Parking Commercial -----	1
Parking Residential-----	3
Plumbing/Gas Violation-----	15
Sewer Violation-----	0
Sign Ordinance-----	3
Structural Violation-----	2
Trash/ Overgrowth-----	2
Tree Removal-----	0
Unsafe Building or Structure-----	3
Variance Violation -----	1
Violation of Comprehensive Permit-----	1
Violation of Special Permit-----	4
Zoning/Use Violation-----	7
Total logged in-----	143
Open-----	55
Resolved-----	88

1/1/09 to 10/30/09

Abandoned autos-----	1
Accessibility-----	1
Apartments/ Illegal Units-----	26
Auto repair-----	1
Building Code Violations-----	8
Boarding House-----	1
Business Home-----	3
Business Illegal-----	9
Condemnation-----	0
Construction w/out a permit-----	26
Construction in the setback-----	4
Disabled/ Abandoned Vehicles-----	2
Electrical Code-----	17
Floor Area Ratio-----	1
Fence ordinance-----	11
Fire-----	1
Grade Change/Water Runoff-----	9
Life Safety-----	1
Light ordinance-----	3
License Violation-----	0
Maximum Capacity Exceeded-----	0
Minimum Housing-----	0
No Certificate of Occupancy-----	1
No Special Permit-----	4
Noise Ordinance-----	1
Open and Abandoned property-----	1
Parking Commercial -----	2
Parking Residential-----	4
Plumbing/Gas Violation-----	16
Sewer Violation-----	0
Sign Ordinance-----	6
Structural Violation-----	2
Trash/ Overgrowth-----	2
Tree Removal-----	0
Unsafe Building or Structure-----	8
Variance Violation -----	1
Violation of Comprehensive Permit-----	1
Violation of Special Permit-----	2
Zoning/Use Violation-----	11
Total logged in-----	187
Open-----	66
Resolved-----	121

Top Ten Priority Issues

- 1) 200 Boylston St.—site of a fire in Feb 2000. Owner was allowing a local towing company to park their trucks and store material behind the property. An injunction was recently granted forcing the removal of all of the material and the trucks.
- 2) 233 Commonwealth Ave---Illegal apartments/ overcrowding. Owner would not allowing an inspection of property going back to 2002. Inspection completed on 4/17/09 with the help of an “Administrative Warrant”. Criminal complaint was issued in Aug and the owner was arraigned criminally. Building now almost fully compliant to Zoning and Building Codes. Case is currently in Newton District Court.
- 3) Working with the Police Dept. to help them with the buildings that appear to be overcrowded. These properties seem to have problems with more drug and other illegal activities then any other properties.
- 4) 23 individual illegal apartments units have been identified since 5/5/09. This seems to be the largest problem that I run across.
- 5) Working with staff to get a Vacant Property Ordinance approved to try and deal with vacant and abandoned dwellings.
- 6) A local towing company that was granted a Special Permit to operate and was in violation of 14 of the 18 conditions of that Special Permit since 1998 was brought before the Clerk Magistrate and must comply with those conditions by Nov. 24 or face criminal charges.
- 7) 5 more unsafe structures have been removed. 2 of those were entire houses.
- 8) Working with the Mayors Committee on Disabilities to resolve some of their problems and frustrations. It appears to be working rather well.
- 9) 48 Lexington St---Removed illegal auto body shop that was being conducted out of a residential 2 car garage. There was a tremendous amount of painting going on inside of this garage.
- 10) Have been talking to and working with some of the landscapers in the city to try and keep the neighborhood problems to a minimum. Communicating with them face to face has definitely alleviated some of these problems.