

PLANNING AND DEVELOPMENT BOARD MINUTES

March 3, 2008, City Hall, Room 209, 7:30 p.m.
1000 Commonwealth Avenue, Newton, Massachusetts 02459

Full Members Present:

David Banash, Acting Chair
Carol Beard
Tabetha McCartney
Scott Wolf (arrived late)
Mike Kruse, ex officio

Alternate Members Present:

Felix Zemel

Staff Present:

Danielle Bailey, Community Development Planner
Steve Gartrell, Associate Director for Housing and Community Development
Lowell Haynes, Community Development Planner
Trisha Kenyon Guditiz, Housing Development Coordinator
Amy Yuhasz, Community Development Program Manager

Public Present:

Jayne Colino, Newton Senior Services Department
Giles Taylor, Newtonville Advisory Committee
Phil Whitbeck, Human Services Advisory Committee

D. Banash, Acting Chair, called the meeting to order at 7:35 p.m.

Community Development Board

- 1. Action Item:** Approve the minutes of the January 7, 2008, meeting of the Planning and Development Board acting as the Board of Survey and the Community Development Board.

On request of D. Banash for a motion to approve the minutes, T. McCartney so moved. C. Beard seconded the motion. The Board voted 4-0-0 to approve the minutes.

- 2. Public Hearing Item:** Presentation of the FY09 Annual Action Plan for the City of Newton CDBG and ESG Programs and the WestMetro HOME Consortium HOME Program.

S. Gartrell began by informing the Board that the annual action plan is required by HUD and details what projects are proposed for funding with CDBG, HOME and ESG funds for FY09. He then provided background on the projected budget for FY09. He explained that the upcoming allocation includes a 3.5% cut for both the CDBG and HOME programs, and the ESG program received a slight increase. He reviewed the changes in funding that have occurred during the past several years, including a 15.5% reduction in CDBG funds from FY01 to FY09. He also described the drastic increase in health care and retirement costs and its drain on the CDBG administrative budget. Fortunately, the increase in administrative costs has been offset by funds from other sources – Community Preservation, Continuum of Care and HOME.

D. Bailey, S. Gartrell, T. Guditiz, and L. Haynes provided an overview of the projects proposed with FY09 CDBG and ESG funds. All CDBG-funded program areas will receive an across the board 3.5% cut. The Newton Housing Rehabilitation Fund (NHRF) program will continue to provide loans and grants to low- and moderate-income homeowners to improve their homes and to nonprofit developers to rehabilitate existing units for use as affordable housing. The Small Grant Program will provide grants for emergency home repairs to elders and people with disabilities.

Housing development funds will be allocated to the Purchase Rehabilitation Program and an affordable housing development pool.

L. Haynes said that he anticipates that some of the \$123,485 in architectural access funds will be used to continue work on improving curb cuts throughout the City to provide better access for people with disabilities. The Mayor's Committee for People with Disabilities has been working to identify potential projects to undertake during the coming year, and they expect to be able to make a recommendation to the Board soon.

L. Haynes and P. Whitbeck, Human Services Advisory Committee Chair, provided a summary of the 35 public service projects recommended for funding in FY09. Public Service projects can receive no more than 15 percent of the CDBG grant plus 15 percent of prior year program income. The Board expressed their appreciation for the effort put forth by the Committee in developing their recommendation.

D. Bailey said that the two economic development programs are proposed for continuation; the Microenterprise Loan Program and the Family Daycare Grant Program. Both of the programs are funded with money from loans currently in repayment.

In terms of neighborhood improvements, the Newtonville target neighborhood, a new target neighborhood based on the 2000 Census, received funds in FY06 from projects that had been completed under budget. There was an understanding that in FY09, when Newtonville was slated to receive its first allocation of CDBG funds, the funds utilized in FY06 would be paid back to the other neighborhoods. As a result, the FY09 neighborhood improvement program will include projects in the Newtonville, Newton Corner and Nonantum target neighborhoods. Projects proposed for funding include: Lowell Park Phase 2 Improvements in Newtonville; additional funds for improvements to Farlow and Chaffin Parks and Charlesbank Park in Newton Corner and additional funds for improvements at Coletti-Magni Park in Nonantum.

L. Haynes and P. Whitbeck briefed the Board on the proposed FY09 ESG budget. Because there is a 30% limit on the amount of funds that can be used for homelessness prevention activities, the Human Service Advisory Committee had to make some difficult choices. Both the Horace Cousens Fund and Riverside Community Care's Adolescent Homelessness Prevention Program were recommended for cuts. It was also recommended that the Mediation Works Incorporated Eviction Mediation Program be cut. As a result of these cuts needed to stay under the 30% cap, the Committee recommended funding for operating support for CAN-DO's transitional housing programs at Garfield House and Kayla's House.

S. Gartrell took the floor again to review the proposed use of funds from HOME Program and the American Dream Downpayment Initiative (ADDI) Program. For the HOME Program, a considerable amount of the funding in the 12 member communities has been allocated to affordable housing development pools. However, there are many projects in the works which when complete will produce a total of 394 affordable units and leverage approximately \$182,000,000 in other funds.

The ADDI funds will be available on a first-come, first-served basis to all the Consortium member communities. These funds provide up to \$10,000 in assistance for first-time homebuyers. Newton will administer the program on behalf of smaller communities that do not have their own staff available for administration of a homebuyer program.

F. Zemel moved to recommend approval of the FY09 action plan for the City of Newton CDBG and ESG Programs and the WestMetro HOME Consortium HOME Program. C. Beard seconded the motion. Motion passed 4-0-1, with T. McCartney abstaining.

3. **Public Hearing Item:** Recommendation from the Mayor's Committee for People with Disabilities to grant \$3,782.85 in CDBG funds to install an automatic door opener on the entrance to the Hyde Community Center Polling Place

At its meeting on Wednesday, February 20, 2008, the Mayor's Committee considered a request from Craig Manseau, Executive Secretary of the Newton Election Commission, for a grant of \$3,782.85 to install an automatic door opener on the main entrance to the Hyde Community Center at 90 Lincoln Street. The automatic door opener is needed to assist people with disabilities to enter the Hyde Community Center. The need for the door opener is acute because several residents with disabilities at 82 Lincoln Street also use the Hyde Community Center as a polling place. Heretofore, they have only been able to enter the center by ringing the doorbell and waiting for someone to admit them. Unfortunately, the doorbell is frequently not heard because of the ambient noise in the Community Center. The Mayor's Committee considered the request from the Election Commission and voted unanimously to recommend the grant of \$3,782.85 to install the automatic door opener at 90 Lincoln Street. Funds for the grant would be taken from project account # CD0803A, which is the fund for access projects 'to be determined.'

C. Beard moved to recommend approval of the Mayor's Committee's recommendation. F. Zemel seconded the motion. Motion passed 5-0.

4. **Public Hearing Item:** Request to transfer \$307,269.58 in FY07 and \$49,724.84 in FY08 HOME funds from the Housing Development Pool to the Purchase Rehabilitation Program

T. Guditz explained that the Purchase Rehabilitation Program was developed to assist with the acquisition and rehabilitation of one-to-four unit affordable housing projects whose proposed use complies with existing zoning requirements. Projects requesting funds under the Purchase and Rehabilitation Program are approved at the staff level to streamline the funding approval process. Assistance is in the form of a deferred, forgivable loan secured by a mortgage. Units assisted under the program are deed restricted for a minimum of 50 years or the maximum time allowable by law. The maximum per unit subsidy is \$100,000 unless a housing sponsor has extenuating circumstances and has received a waiver from the Associate Director of Housing and Community Development.

Some questions were asked about why this transfer of funds was necessary. T. Guditz and S. Gartrell explained that the Purchase Rehabilitation Program may be more attractive to developers because funds can be allocated more quickly. S. Gartrell also explained the need to commit HOME funds before the July 31, 2008 commitment deadline.

C. Beard moved to recommend approval of the staff recommendation. T. McCartney seconded the motion. Motion passed 5-0.

Board of Survey

1. **Discussion Item:** Status of update work on Board of Survey traffic management regulations in Rules and Regulations of the Planning Board Acting as a Board of Survey, 1997, Section V.B.2. in connection with Petition #333-97(2).

S. Wolf indicated that the committee is scheduled to meet with David Koses, Transportation Planner, and Clint Schuckel, Traffic Engineer, next Wednesday morning.

Other Business

Update on the Proposed Revisions to the Home Business Ordinance

D. Banash gave a report that a compromise has been reached regarding the proposed Home Business Ordinance amendment, and they are waiting for a public hearing of the Zoning and Planning Committee.

Recommendations Regarding Proposed Zoning Amendments

The following are recommendations of the Planning and Development Board regarding three proposed zoning amendments for which a public hearing of the Zoning and Planning Committee of the Board of Aldermen was held on February 25, 2008. The Board voted on each of the items at the February 25 public hearing with the understanding that additional work was needed to address the considerations and technical matters noted in the Planning and Development Department memorandum.

#109-07 ZONING TASK FORCE recommending amendments to Section 30-5(b)(4), referred to as the three-foot grade change ordinance, by deleting the existing language and: (1) add a provision defining structure in Section 30-1 to include retaining walls that exceed five (5) feet in height; (2) substitute language in Section 30-5(b)(4) to allow the Zoning Board of Appeals to grant a special permit for the construction of retaining walls that exceed five (5) feet in height; and (3) create an ordinance to require the Engineering Department to review and approve a drainage plan for construction or alteration of single and two-family residences that would increase impervious surface by the lesser of 5% or 500 square feet and for all other types of construction or alteration. (The public hearing on this item was opened on January 28 and continued to February 25.)

The Planning and Development Board voted 4:0 to ratify the vote of January 28, 2008, to support the recommendation of the Planning and Development Department as described in their memorandum with the following additional comments.

- The Board feels that grade changes over a certain height should be heard by the Board of Aldermen as an expansion of their special permit granting authority.
- A specified height greater than five feet should be subject to a special permit hearing.
- Limiting the number of hearings required is an improvement to the current practice.

The Board took a separate vote on adding a requirement that retaining walls in excess of 5 ft. height require a special permit when proposed within setbacks.

- They voted 3:1 to require a special permit when a retaining wall in excess of 5 ft. height is proposed within setbacks.
- They voted 1:3 to require a special permit when a retaining wall in excess of 5 ft. height is proposed within the building lot.

#41-07 ALD. LAPPIN & BURG proposing an amendment to §30-20 to allow through an administrative process temporary sign(s) for special events such as the opening of a new business.

The Planning and Development Board voted 4:0 that the Board of Aldermen consider an amendment to §30-20 to allow for commercial signs of a limited duration within business districts under the following conditions:

- That the sign is within the building envelope and does not encroach on other lots.
- That the sign is within the height limitation of districts B1-B5 and M1 and M2.
- That appropriate clean-up is performed once the sign is removed.
- That signs meeting the above conditions be allowed at the discretion of the Commissioner of Inspectional Services.
- The Urban Design and Beautification Committee should also have the opportunity to comment of the proposed amendment.

#346-07 HIS HONOR THE MAYOR proposing that §30-18A(d), Wireless Communication Equipment Allowed As-of-Right, be amended by adding a new subparagraph (8) to require a public hearing and board of aldermen approval for wireless communication equipment (WiFi) utilized by the city for its communications systems.

The Board added the following comment to their affirmative vote at the February 25, 2008 public hearing. If more than ten percent of the equipment placement deviates from the approved plan or if during the first year more than five percent of the equipment installed needs to be moved from the approved location, then they would need to come back to the Board of Aldermen for review.

Respectfully submitted,

Amy Yuhasz
Acting Secretary