

PLANNING AND DEVELOPMENT BOARD MINUTES

February 2, 2009 City Hall, Planning and Development Department Rm 209, 7:30 p.m.
1000 Commonwealth Avenue, Newton, Massachusetts 02459

Full Members Present:

Tabetha McCartney, Chair
David Banash

Alternate Members Present:

Leslie Burg
Felix Zemel

Staff Present:

Steve Gartrell, Associate Director of Community Development and Housing
Kathleen Cahill, Community Development Senior Planner

T. McCartney, Chair, called the meeting to order at 7:30 p.m.

Community Development Board

1. **Action Item:** Approve the minutes of the January 5, 2009, meeting of the Planning and Development Board acting as the Board of Survey, Planning Board and Community Development Board.

On request of T. McCartney for a motion to approve the minutes with the correction of the spelling of McCartney, L. Burg so moved. F. Zemel seconded the motion. The Board voted 4-0-0 to approve the minutes.

2. **Discussion Item:** Schedule of 2009 Planning and Development Board Meetings.

T. McCartney stated that the only potential problematic meeting date is July 6, the Monday after the 4 of July. The Board agreed to leave the meeting scheduled as is and consider rescheduling closer to July.

3. **Discussion Item:** Newton's Citizen Participation Plan.

K. Cahill presented highlights of the City's Citizen Participation Plan and staff recommendations for changes to the document. Staff changes include; discontinuing postings at the library for public meetings due to the fact that branch libraries have closed and notices posted at the main library tend to be taken down, discontinuing advertisement in the Newton TAB for the Annual Action Plan and the Consolidated Annual Performance Evaluation Report, and increasing the comment period for substantial changes to the Consolidated Plan and Annual Action Plan from 15 calendar days to 30 calendar days. The Planning Board amended the Citizen Participation Plan to include the policy that representatives of the party requesting project funding and also the advisory committee recommending the funding should be present to present the proposal to the Planning and Development Board (absent hardship). The Board collectively agreed that these changes should be included in the revision of the Citizen Participation Plan. A draft document will be presented at a public hearing next month.

Planning Board

1. **Discussion Item:** Home Business Ordinance.

Alderman Baker and Alderman Yates scheduled the Home Business Ordinance as the sole subject of the Zoning and Planning Committee meeting that took place mid-January. The agenda for this meeting included a discussion of Lyle Baker's amendments as he presented them in mid-December. These amendments included switching the special permit granting authority from the Planning Board to the Board of Aldermen and requiring home businesses to notify the Inspectional Services Department if their business will exceed the allowable trip ends (which is allowable four times per year). D. Banash also presented an amendment which changed provisions surrounding trip ends. Previous revisions to the Ordinance included the provision that if a home business was likely to exceed a certain number of trip ends that business would need to apply for a special permit. This was difficult to enforce, therefore, D. Banash proposed that if a home business projects more than 16 trip ends per day that business would need to apply for a special permit.

Monday January 26 the Zoning and Planning Committee met to discuss the latest revisions of the Ordinance. Alderman Parker presented objections to the Ordinance. These objections primarily addressed the definition of home business. The Planning Department assumed responsibility for redrafting several definitions in the Ordinance to meet Alderman Parker's objections. The Planning Board was given a copy of the latest version of the Ordinance with the changes made by the Planning Department. D. Banash drew the Board's attention to the provision in the Ordinance that specifies that a home business must not exceed thirty percent of the ground floor footprint of the dwelling unit. The original Ordinance specified that the home business could not occupy more than thirty percent of the first floor. The new definition of home business reverted back to the definition in the original Ordinance. Although D. Banash is not satisfied with this definition he conceded that it does not harm the rest of the changes that were made to the original Ordinance. D. Banash stated that J. Moss' comment about storage of goods for small businesses did not get back to the Zoning and Planning Committee for discussion. Committee members believed that the discussion of this issue could prevent the Ordinance from going forward.

T. McCartney requested that other Board members have the opportunity to comment on the proposed Ordinance. F. Zemel moved that the Board recommend the approval of the proposed Ordinance with the comment period of 48 hours. L. Burg seconded the motion. The Board voted 4-0-0 to recommend the approval of the proposed Ordinance with the comment period of 48 hours. D. Banash stated that he hoped Board members would attend the public hearing.

The meeting adjourned at 8:30 pm.

Respectfully submitted,

Stephen D. Gartrell
Secretary