

## **PLANNING AND DEVELOPMENT BOARD MINUTES**

November 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  
Joyce Moss, Vice Chair  
David Banash  
Leslie Burg  
Doug Sweet  
Scott Wolf

### **Staff Present:**

Mike Kruse, Director of Planning and Development  
Kathleen Cahill, Community Development Senior Planner

### **Public:**

Reverend Howard Haywood  
Michael Lepie, Resident

T. McCartney, Chair, called the meeting to order at 7:33 p.m.

### **Community Development Board**

#### **1. Minutes: Approve the minutes of the October 5, 2009 meeting of the Planning and Development Board acting as the Planning Board, Board of Survey and Community Development Board.**

On request of T. McCartney for a motion to approve the minutes, D. Banash so moved. L. Burg seconded the motion. The Board voted 5-0-1 to approve the minutes.

#### **2. Action Item: Amendment to the City's Citizen Participation Plan concerning the notification of advisory board members and interested citizens when there is a public hearing for the Annual Action Plan, Consolidated Annual Performance and Evaluation Report, or the Consolidated Plan.**

K. Cahill explained that the major amendment to the Citizen Participation Plan added mail or e-mail notification to advisory committee members, as well as the list of interested citizens maintained by the Planning Department for public hearings, on the proposed Consolidated Plan, Annual Action Plan, and Consolidated Annual Performance Evaluation Report. D. Banash suggested that the second sentence under the section entitled "Public Hearings of the Planning and Development Board" (describing this notification) be changed to clarify when the notice will be mailed and when it will be emailed. Originally, the section in the Plan detailing the

process for participation stated that the four Target Neighborhood Advisory Committees met quarterly. The committees currently meet biannually, a change which was also indicated in the amendment. L. Burg moved that the Board approve the amendment to the Citizen Participation Plan, as further amended by the Board. S. Wolf seconded the motion. The Board voted 6-0-0 to approve the Citizen Participation Plan amendment.

### **Planning Board [7:40]**

#### **3. Discussion: Update from the Scenic Road Ordinance Subcommittee.**

The charge of the Scenic Road Ordinance Subcommittee is to create rules and regulations governing the cutting or removal of trees or the modification of stone walls on the Newton roads that have been designated as scenic. The Subcommittee last met October 28, 2009. Mark Welch, the City's Urban Forester, and Ted Kuklinski, a member of the Newton Conservators, have both been added as members of the Scenic Road Ordinance Subcommittee.

L. Burg reported on the plans made by the Scenic Road Subcommittee during their last meeting. The subcommittee will review Scenic Road ordinances and bylaws in other municipalities to inform the process of writing Newton's rules and regulations. Because regulations alone cannot enforce a penalty the Subcommittee plans propose that the Board of Alderman enact the regulations within the City ordinance. The next subcommittee meeting will take place on November 23, 2009.

Mr. Lepie, a Newton resident, asked if the passage of Scenic Road regulations would limit what a property owner can do on his/her own land. Although Wellesley's Scenic Road Bylaw, which was mentioned previously in the meeting, limits changes to property owner's land (on scenic roads) this type of provision is not being considered in Newton. Scenic Road regulations would provide the Planning Board with jurisdiction over trees and stone walls on scenic roads. If a property owner wanted to remove and replace a tree on property that abuts a scenic road this would require a permit from the tree warden. Aside from scenic roads, most single and two-family lots are exempt from the City's Tree Preservation Ordinance, which means these property owners do not need to obtain a permit from the City to remove or replace a tree.

S. Wolf spoke briefly about his work reviewing the Board of Survey traffic regulations. The current regulations include an objective standard that allows the Board of Survey maximum discretion when considering a request to approval a subdivision. The creation of an absolute threshold would reduce this discretion but may create a better review process and pass the "reasonableness" test of a challenge under the Dover Amendment. S. Wolf will be reviewing traffic regulations in other municipalities.

L. Burg made a motion to adjourn, S. Wolf seconded the motion and the Board voted 6-0-0 to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Amy Yuhasz  
Secretary