

**PLANNING AND DEVELOPMENT BOARD MINUTES**

April 5, 2010 City Hall, Planning and Development Department Rm 209, 7:30 p.m.  
1000 Commonwealth Avenue, Newton, Massachusetts 02459

**Full Members Present:**

David Banash  
Leslie Burg  
Doug Sweet  
Scott Wolf

**Alternate Members Present:**

Howard Haywood

**Staff Present:**

Kathleen Cahill, Community Development Senior Planner  
Lowell Haynes, Community Development Planner  
Eve Tapper, Chief Zoning Code Official  
Amy Yuhasz, Associate Director of Housing and Community Development

**Public Present:**

Jerome Ackerman  
Dan Atkinson  
Dorothy Derrick  
Beth Goldbaum  
Phil Herr  
Michael Lepie  
Marcia Ward  
John Wyman

D. Banash, Acting Chair, called the meeting to order at 7:30 p.m.

**Planning Board**

**1. Public Hearing and Action Item:** Proposed Scenic Road Regulations.

The Board took comments on the proposed Scenic Road regulations from the public in attendance. Mr. Herr expressed his gratitude to the members of the Board as well as City staff that had worked on the proposed regulations. He also indicated that he was pleased with the level of advertisement concerning the public hearing.

Mr. Ackerman asked about the process for designating a scenic road. A request can be made to the Planning Board, Conservation Commission, or Historical Commission, which then takes the form of a request or recommendation to the Board of Alderman. A majority vote of the Board of Alderman results in the designation.

Beth Goldbaum wondered if the proposed regulations could be used to enforce the repair of a historic stone wall on Mill Street. The wall is on City property. E. Tapper responded that the regulations are intended to protect stone walls that are being removed or altered. E. Tapper will provide information to Ms. Goldbaum on who she can contact concerning the maintenance of the wall.

John Wyman, Chairman of the Chestnut Hill Historic District Commission spoke about the Commission's support for the proposed regulations. The Commission believes the regulations will offer additional protection to stone walls within historic districts and will provide much needed protection that does not presently exist for trees along scenic roads in historic districts. In addition, in areas of Newton outside of historic districts these regulations will provide protection for trees and stone walls on historic roads that does not exist. The Commission does not feel that the role of the Historic Commission in reference to stone wall and tree modification is clear. Mr. Wyman also suggested that the Board document the appearance of the City's Scenic Roads today and over time. It was suggested that Google maps and the City's aerial maps could be helpful in this effort.

L. Burg read the letters of support for the proposed regulations from Newton Historical Commission, the Auburndale Historic Commission, and the Conservation Commission. D. Sweet moved that the public hearing on the proposed Scenic Road regulations be closed. L. Burg seconded the motion and the Board voted 5-0-0 to close the public hearing. D. Sweet moved the Board adopt the proposed regulations. L. Burg seconded the motion and the Board voted 5-0-0 to adopt the proposed regulations.

L. Burg described her plans to move forward with Phil Herr and City staff to draft an ordinance that would enable the Planning and Development Board to enforce the regulations. This ordinance would be modeled after the Scenic Road Ordinance in Sterling Ma. The approval of the Planning and Development Board will be sought before the ordinance is docketed with the Board of Alderman. L. Burg plans to reach out to Alderman before the item is docketed. The structure of the fines and penalties associated with a violation of the regulations still needs to be worked out through collaboration with the Law Department.

Marcia Wood, a resident of Newton, asked how residents on Scenic Roads would be notified of these fines and penalties. E. Tapper responded that if a resident, living on a Scenic Road, went to the Engineering Division for a permit staff would notify them that an application must be submitted to the Planning and Development Board, before a permit can be issued. Other forms of notification, such as an insert in the real estate tax bill, were discussed.

D. Sweet moved that L. Burg move forward with drafting of the ordinance and include the Board (via email or any other form desired) to discuss the implementation of this ordinance. H. Haywood seconded the motion. The Board approved the motion 5-0-0.

### **Community Development Board**

1. **Minutes:** Approve the minutes of the March 1, 2010 meeting of the Planning and Development Board acting as the Community Development Board and the Planning Board.

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

**2. Action Item:** Consideration of a recommendation for approval of the DRAFT FY2011 – FY2015 Consolidated Plan and DRAFT FY11 Annual Action Plan.

K. Cahill introduced the agenda item and described the budget documents that were contained in the Planning and Development Board packet.

There were some questions about how the recommended funding amounts for the public service agencies were determined. L. Haynes responded that the determinations were formula based. The committee recommended level-funding for a few projects and increases for the majority of projects. These projects that were recommended for an increase would receive an increase of 14 percent or the full amount of their request, whichever is less.

D. Sweet stated that he would be willing to recuse at any time during this agenda item based on his work with the Metropolitan Mediation Services (a recipient of ESG funding).

D. Banash asked why the funding for larger human service grants was so much less than requested (e.g. NCDF and Senior Services). L. Haynes responded that both NCDF and the Senior Center consolidated their requests. For example, in prior years the Senior Center received one grant for the agency and one for an outreach worker. This year the grants for the social worker and outreach worker were combined into one grant and the program coordinator received a separate allocation. NCDF also combined three smaller grants into one request – the Resident Service Program.

L. Haynes stated that he was very proud of the human service programs which are diverse and serve different purposes. He has great confidence in these providers. D. Banash asked if L. Haynes believed there were organizations that should be weeded out due to the limitations on amount of funds. L. Haynes responded that no program should be weeded out - every program provides an important service to a particular group of people.

L. Burg moved that the DRAFT FY2011 – FY2015 Consolidated Plan and DRAFT FY11 Annual Action Plan be recommended for approval. H. Haywood seconded the motion. The Board voted to approve the recommendation 5-0-0.

**3. Discussion:** Discussion of a liaison to the Human Service Advisory Committee.

K. Cahill suggested tabling this agenda item until more Board members were in attendance. Historically the presence of a Human Service liaison has been perceived as very valuable. L. Haynes recounted that an incident occurred 13 years ago when the Human Service Advisory Committee recommended a substantial reduction in funding for several programs. The Planning and Development Board was not aware of this reduction until the public hearing. Several representatives from these programs appeared at the hearing and were very upset. The Planning and Development Board found themselves in an awkward position due to the fact that they were not privy to the discussion and rationale behind the Human Service Advisory Committee's

decisions. The role of the human service liaison grew out of this experience and for many years Carol Beard acted as the liaison.

D. Sweet moved to table this item until the May meeting. S. Wolf seconded the motion and the Board voted 5-0-0 to table the discussion concerning the liaison to the Human Service Advisory Board until the May meeting.

#### 4. Other Business

D. Banash believed that there was an unresolved difference of opinion in how CAN-DO should be reporting to us and the accounting practices they will follow. He suggested that an item should be added to the May agenda to resolve these issues. A. Yuhasz stated that CAN-DO will be returning to the Board in June. CAN-DO is aware of the steps they need to take to better present their financial information, based on T. McCartney's feedback. Staff will amend the March minutes to reflect this information more clearly. A. Yuhasz will talk to CAN-DO and Tabettha to clarify that all parties share the same expectations about the June meeting.

D. Sweet asked if CAN-DO was audited on a regular basis. A. Yuhasz responded that CAN-DO is audited once a year as a result of the federal funds they receive. T. McCartney's concerns were related to how information was presented on paper and not about the specific items.

Board members received a Board of Survey packet but no notice that the Board of Survey hearing had been delayed. They requested notification about this delay in the future.

D. Banash requested an item on next month's agenda relating to the attendance record of all Board members.

On request from D. Banash to adjourn the meeting D. Sweet so moved. L. Burg seconded the motion and the Board voted 5-0-0 to adjourn the meeting at 8:45 p.m.

Respectfully Submitted,

Amy Yuhasz  
Secretary