

**PLANNING AND DEVELOPMENT BOARD MINUTES**

May 3, 2010 City Hall, Planning and Development Department Rm 209, 7:30 p.m.  
1000 Commonwealth Avenue, Newton, Massachusetts 02459

**Full Members Present:**

Leslie Burg  
Tabetha McCartney  
Joyce Moss  
Doug Sweet  
Scott Wolf

**Alternate Members Present:**

Howard Haywood  
Felix Zemel

**Staff Present:**

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

**Public Present:**

Patricia Bombara	Mary Lewis
Lynda Caggiano	Steve Poole
Tim Canty	William Renke
David Carlen	William Rogers
Antonio Caruso	Edmund Schiffman
Frank Gigliotti	Alan Schlesinger
Debbie Constantine	Sylvia Smith
Margaret Crook	Peter Spaeth
Gerald and Marie Goodwin	Jeanne Strickland
Stephan Kraft	Dina Troiani
Young Kwon	Guolin Wen
Michael Lepie	

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

**Board of Survey**

[See minutes Board of Survey Minutes – Engineering Department]

**Planning Board**

- Action Item:** Approve the minutes of the April 5, 2010 meeting of the Planning and Development Board acting as the Community Development Board and the Planning Board.

On request of T. McCartney for a motion to approve the minutes, H. Haywood so moved. D. Sweet seconded the motion. The Board voted 7-0-0 to approve the minutes.

## **2. Action Item:** Proposed Scenic Road Ordinance.

L. Burg reviewed the proposed Ordinance with the Board stating that it had also been reviewed by Eve Tapper and Marie Lawlor. D. Sweet wondered why the proposed Ordinance only references 'the general laws' and not the Massachusetts General Laws. E. Tapper will speak to M. Lawlor to see if this change can be made.

L. Burg mentioned that several of the words that are currently capitalized in the proposed ordinance, such as Planning Board, will be lowercase in the final version, due to legal requirements. The phrase 'each tree cut or stone wall removed' will be changed to 'each tree cut or stone wall removal' in order to reflect the original language in the state statute.

D. Sweet requested clarification on whether or not a proposed driveway curb cut would fall under the proposed Scenic Road Ordinance if it did not affect a tree or stone wall. E. Tapper responded that approval would not be required under the Scenic Road Ordinance but the property owner would still need to go through the Engineering Division.

S. Wolf stated that the placement of the words *withhold* and *revoke* need to be switched for modification purposes in the following sentence: "The Commissioner of Inspectional Services may withhold or revoke any current or pending permit on the property associated with said violation."

There was some discussion about the penalties section of the proposed Ordinance. Each violation of the proposed Ordinance is punishable by a fine of \$300 dollars per day until the violation is corrected. A property owner can remediate the situation by restoring the stone wall or working with the Planning Board to select a comparable replacement tree.

On request of T. McCartney for a motion to approve the proposed Ordinance for docketing with the Board of Alderman H. Haywood so moved. L. Burg seconded the motion. The Board voted 7-0-0 to approve the motion.

E. Tapper asked Board members if the approval of the proposed Ordinance would still hold if the reference 'general laws' could not be changed to Massachusetts General Laws, after consultation with the Law Department. It was the Board's consensus that their approval would still hold. S. Wolf stated that there was inconsistency in the proposed Ordinance's reference to the Planning Board. This reference should either be Planning Board or Board.

[S. Wolf provided a brief update to the Board on his work as part of the Traffic Regulation Subcommittee of the Board of Survey. He has completed additional research and found what he believes to be good language which he plans to discuss with City traffic engineers.]

## **3. Discussion:** Proposed revision of Section 22-3(a) of the Newton City Ordinances governing membership of the Planning Board by the Zoning and Planning Committee.

T. McCartney asked staff if there were any open spots on the Planning and Development Board. There are openings for three alternates.

The Zoning and Planning (ZAP) Committee of the Board of Aldermen proposed the following changes to the City Ordinance (Section 22-3) that applies to the Planning and Development Board membership. “Members shall include at least one citizen who has expertise or demonstrated interest in real estate/land-use law, at least one citizen who has expertise or demonstrated interest in planning, at least one citizen who has expertise or demonstrated interest in building construction/development, at least one citizen who has expertise or demonstrated interest in professional design/engineering, and at least one citizen who has experience or demonstrated interest in the zoning process in Newton.

J. Moss stated that she believes a Planning and Development Board member with expertise in community development, specifically human services is also important. There was also concern that the ZAP Committee’s proposed amendments would limit the pool of membership and impact the diversity of the Board in other ways.

A.Yuhasz was at the April 26th ZAP Committee meeting when these proposed changes were discussed. David Banash was also present. He addressed the importance of incorporating an expertise in community development and human service in the proposed ordinance changes during the ZAP Committee’s discussion that night. The ZAP Committee is open to feedback. Mr. Banash had planned to draft a revision of the proposed changes for the Planning and Development Board meeting tonight but was unable to attend at the last minute. The Board suggested that an invitation be extended to Marcia Johnson to attend the June Planning and Development Board meeting.

K. Cahill will check with Lowell Haynes to see if there are members of the Human Service Advisory Committee that may be interested in joining the Planning and Development Board. She will also contact members of the public that attended the CDBG-R public hearing to speak about service needs for their autistic children to see if one of these residents may be interested in joining the Board as an alternate. It was the consensus of the Board that this new alternate(s) should only be expected to attend the meetings that include community development discussions.

On request of T. McCartney for a motion to adjourn, D. Sweet moved. H. Haywood seconded the motion and the Board voted 7-0-0 to adjourn the meeting at 9:30 p.m..

Respectfully Submitted,

Amy Yuhasz  
Secretary