

PLANNING AND DEVELOPMENT BOARD MINUTES

June 7, 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
Tabetha McCartney
Doug Sweet
Scott Wolf

Alternate Members Present:

Howard Haywood

Staff Present:

Kathleen Cahill, Community Development Senior Planner
Trisha Kenyon Guditz, Housing Program Manager
Robert Muollo, Housing Development Planner
Amy Yuhasz, Associate Director of Housing and Community Development

Public Present:

Phillip Herr	William Renke
Michael Lepie	Daphne Romanoff
Jessica Lipnack	George Schnee
Josephine McNeil	Ken Sinclair
Michael Peirce	Jeff Stamps
Chuck Proia	Jeanne Strickland
Verne Porter	Dina Troiani

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

Planning Board

- 1. Minutes:** Approve the minutes of the May 3, 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, L. Burg so moved. H. Haywood seconded the motion. The Board voted 6-0-0 to approve the minutes.

- 2. Action Item:** Request for a waiver of the light ordinance from Societa Maschile Di Maria Santissima Del Carmine Festival Committee (July 14 – July 18, 2010).

Chuck Proia presented on behalf of the Societa Maschile Di Maria Del Carmine. A copy of the City’s Light Ordinance was provided to the Board (and emailed prior to the meeting). There

have been no changes to the days or hours in the request for a waiver, from last year's request. D. Sweet moved to approve the waiver. L. Burg seconded the motion and the Board voted 6-0-0 to approve the request for a waiver from the light ordinance. K. Cahill will check with the Law Department to see if the Planning and Development Board may extend the term of their waiver to multiple years under 20-25 (d).

Board of Survey

[See minutes Board of Survey Minutes – Engineering Department]

Community Development Board

1. **Action Item:** Quarterly update from Citizens for Affordable Housing in Newton Development Organization, Inc. (CAN-DO) on the organization's progress in meeting the goals outlined in their July 8, 2009 letter to the Planning and Development Board.

Ken Sinclair, a member of CAN-DO's Board presented on behalf of the organization. The Board was provided with the following documents: letter from CAN-DO, 2009 Financial Audit, itemized income and expense budget for 2010, a budget for the first 4 months of the year and actual to date for CAN-DO (aggregate) as well as each property, and the 2010 operating budget for CAN-DO. Mr. Sinclair relayed that there were no flagged issues that came from the audit. CAN-DO has also experienced success in restructuring their Board of Directors after two members retired last quarter. A total of 6 new board members with experience in property management, fundraising, and finance have been recruited. Veteran House, CAN-DO's new project was approved for Community Preservation Act (CPA) funding by the Board of Alderman recently. Funding for this project comes from Community Development Block Grant funds, a grant from Federal HOME Loan Bank of Boston, CPA, and a grant from Charlesbank Homes. Veteran House will include two units for families. CAN-DO anticipates rents around \$1,479 for the 2-bedroom and \$1,769 for the 3-bedroom.

CAN-DO held its annual fundraiser in March which netted \$70,000. This amount was about \$10,000 less than previous years, but given the current economy, the organization believes that this was still a good outcome.

Mr. Sinclair mentioned that CAN-DO did have some vacancies over the past quarter but currently has none. T. McCartney suggested that CAN-DO budget for a vacancy allowance. She also believes the organization should consider an overall portfolio reserve.

D. Banash asked how CAN-DO plans to avoid last year's situation, when the organization requested and received forgiveness for \$1 million in City loans. CAN-DO sees the fifteen percent developer fee and pre-paid reserve for Veteran House as a move in the right direction.

D. Sweet asked about CAN-DO credit card debt and how the organization is progressing in paying these back. There is still some outstanding debt which CAN-DO hopes can be paid off through fundraising.

1. Action Item: Recommend approval of the City's updated Analysis of Impediments.

Rob Muollo explained that the Housing and Urban Development Department requires entitlement communities, like Newton, to update the Analysis of Impediments at the same time the 5 Year Consolidated Plan is developed. A copy of the Analysis of Impediments (AI) was provided to the Board prior to the meeting and a copy was available for the public at the Board meeting. The AI identifies obstacles to achieving fair housing in the City and actions to overcome these impediments. The last AI was completed in 2005. Rob noted that some of the impediments remain the same and new impediments were revealed in the audits completed through the Fair Housing Initiatives Program (FHIP) grant that the City received in 2006.

The FHIP grant enabled the City to make progress on the lack of education by conducting fair housing trainings for about 500 constituents. In addition, trainings were conducted for 70 - 80 individuals this past year. These trainings in addition to other education, enforcement and monitoring efforts were established as a priority in the AI.

The Fair Housing Committee also completed a Fair Housing Action Plan in 2008. The Plan includes strategies to overcome impediments (as identified in the 2005 AI) and continues to act as a guide to Committee and staff.

L. Burg requested that the Planning and Development Board be kept in the loop about the ongoing actions to address these impediments. R. Muollo suggested that this could be done on a yearly basis, at minimum.

The fair housing complaint process was discussed. Complaints can be addressed through several different avenues – the Fair Housing Center of Greater Boston, The Massachusetts Commission Against Discrimination, or the Human Rights Commission. This information and more is available on the City's Fair Housing webpage.

D. Banash moved that the Board recommend approval of the Analysis of Impediments, L. Burg seconded and the Board voted 6-0-0 to recommend approval of the AI.

2. Other Business: Discussion of a human service liaison to the Planning and Development Board, proposed revision of Section 22-3(a) of the Newton City Ordinances governing membership of the Planning Board by the Zoning and Planning Committee and status of the proposed Scenic Road Ordinance.

K.Cahill reported that Daphne Romanoff, whose application to serve as an alternate member of the Planning and Development Board is pending approval in the Mayor's Office, may be interested in filling this liaison role. Alternatively, there is another member of Human Service Advisory Committee that may be interested as well. K.Cahill will report back at the next meeting.

The Board of Aldermen has proposed revisions to 22-3(a) of the Newton City Ordinances governing membership of the Planning Board. These revisions seek to assign specific

background criteria to members of the Planning and Development Board. The reasons for Planning and Development Board opposition to these proposed revisions are as follows:

- (a) it could be viewed as purporting to encompass the functions of the Board, but does not sufficiently, e.g., it misses the CDBG function;
- (b) it makes the Board's votes suspect to the extent that the Board was then not constituted with the minimums that the proposal mandates;
- (c) the Board is frequently not constituted with such minimums, e.g., at present there is no architect or design person on the Board;
- (d) to the extent that the minimum is satisfied just by appointment of a citizen who has "demonstrated interest" in the topic listed, that standard is too broad to be meaningful; and
- (e) the proposed language is confusing: "zoning" (last line) is subsumed in the topic of "land use" (second line);

The Board further commented that if the point is to give the Mayor guidance in his or her selection process, it is a good one, but would be better addressed by a memorandum from the Director of Planning and Development as to the Board's functions and needs as a board at any given time.

K.Cahill agreed to draft a memo to reflect these reasons and circulate it to members of the Board before submission to the Zoning and Planning Committee (ZAP). H. Haywood made a motion to approve the submission of a memo to ZAP opposing the Ordinance amendments and reflecting the reasons indentified by the Board. D. Sweet seconded the motion and the Board voted 6-0-0 to approve the submission of the memo.

L. Burg reported that she met with President Lennon and Alderman Johnson who are both supportive of the Scenic Road Ordinance. The Ordinance will first go to a ZAP working session in June and will then be considered by the full Board.

D. Banash made a motion to adjourn, seconded by D. Sweet and approved by the Board 6-0-0.

Respectfully Submitted,

Amy Yuhasz
Secretary