

PLANNING AND DEVELOPMENT BOARD MINUTES

May 5, 2008, City Hall, Room 209, 7:30 p.m.

1000 Commonwealth Avenue, Newton, Massachusetts 02459

Full Members Present:

Chris Dame, Chair
David Banash
Carol Beard
Tabetha McCartney
Joyce Moss
Scott Wolf

Alternate Members Present:

Leslie Burg
Felix Zemel

Staff Present:

Steve Gartrell, Associate Director for Housing and Community Development
Amy Yuhasz, Community Development Program Manager

Public Present:

Keith Craig
Chuck Proia

C. Dame, Chair, called the meeting to order at 7:30 p.m.

Board of Survey

1. **Action Item:** Approve the minutes of the April 9, 2008, meeting of the Planning and Development Board acting as the Planning Board and the Community Development Board.

On request of C. Dame for a motion to approve the minutes, D. Banash so moved. F. Zemel seconded the motion. The Board voted 5-0-1 to approve the minutes, with the correction noted on page 4 by F. Zemel – under other business the vote should be 3:1 and 1:3, not 3:0 and 1:0.

2. **Discussion Item:** Committee report on the status of update work on Board of Survey traffic management regulations in Rules and Regulations of the Planning Board Acting as a Board of Survey, 1997, Section V.B.2. in connection with Petition #333-97(2).

S. Wolf reported that he met with Clint Schuckel, Traffic Engineer, and David Koses, Transportation Planner, in March to discuss amending the Board of Survey traffic management regulations. The regulations give the Planning Board wide discretion in not approving a plan if in its discretion it determines that the conditions would create a dangerous situation on the adjoining public ways. Alderman Baker has proposed an amendment to the special permit approval process regarding traffic using a level of service designation which sets forth particular objective standards of traffic. Scott Wolf said the Planning and Development Board should develop an alternative standard to the level of service approach.

In discussion with C. Schuckel and D. Koses, S. Wolf explained that they were trying to get to a standard that would give the Planning Board more “to hang its hat on” as far as granting or denying a permit and give certainty to applicants as to what standards they might be using. Both were absolutely opposed to the level of service approach because it is too arbitrary and does not really set forth the means to accomplish the goal of making sure that a street is not overly burdened with traffic. What they recommended is more of a percentage approach. If under a certain percentage, it would be approved. If over the set percentage, the Board would use its discretion to approve or deny.

D. Banash stated that the current regulations are not arbitrary, but may not be uniformly applied. There is some discretion on the Board's part. He suggested that a question be posed to the Law Department to get their opinion on the word "reasonableness" in the regulations and whether if just substituting a number in the regulations, where the Board is supposed to be generally considering safety considerations for traffic, would abrogate that kind of discretion.

J. Moss said that the smaller the street, the larger the percentage. S. Wolf commented that it may be a good notion, because the smaller, quieter parts of Newton may be the ones you want to protect more. After some discussion, S. Wolf suggested that maybe there should be a different standard for residential v. commercial, etc.

D. Banash said developers bring up subdivisions as a threat when they seek a special permit. The importance of the regulations should not be understated. He added that when he studied this a few years ago, the level of service method was criticized on the lowest levels. When traffic is a crawl, it is hard to measure the impact. At the higher levels, it works pretty well. He questioned is there were a function of the level of service method that could be used and also said that it would be good to know other alternative methods to the level of service approach.

D. Banash reminded Board members that Alderman Brian Yates submitted a docket item to change how traffic impact is dealt with in the special permit process. Planning and Development Board members convinced him to defer hearing on that issue while the Board took it up in the context of subdivision review.

D. Banash, C. Wagner and S. Wolf will schedule a meeting to narrow what was discussed at this meeting. S. Wolf said he would pose a question to the Law Department prior to the committee meeting.

Planning Board

- Action Item:** Request for waiver of light ordinance from Societa Maschile Di Maria Santissima Del Carmine Festival Committee.

Mr. Chuck Proia, Festival Chairman, said the carnival has been operating for 73 years in the same location. For the past four years, since the passage of the light ordinance, they have come before the Planning and Development Board to request a waiver from the ordinance. The waiver is needed because the festival operates later into the night than allowed by ordinance. The ordinance allows lights to be on until 9:30 p.m., and the festival lights on are on from 6 to 11 p.m. during the week and on Saturday and until 1 a.m. on Sunday when they start breaking down the equipment.

Mr. Proia said they have not received any complaints about the lights from the neighborhood. There is strong community support for the festival.

D. Banash moved to recommend the Societa Maschile Di Maria Santissima Del Carmine Festival Committee's request for a waiver of the light ordinance. C. Beard seconded the motion. Motion passed 8:0.

Newton Community Development Authority/Planning Board

- Action Item:** Revisions to the Planning and Development Board Rules and Regulations and the NCDA bylaws to reflect current operating procedures and changes in staff.

Steve Gartell thanked C. Dame and C. Beard for their participation in the CD Week Advisory Committee reception.

S. Gartrell reviewed proposed changes to the Planning and Development Board Rules and Regulations. S. Wolf asked if a quorum referred to full members. S. Gartrell said it was members presented and voting, including alternate members designated by the Chair to vote.

L. Burg moved to approve the revisions to the Planning and Development Board Rules and Regulations. Felix Zemel seconded the motion. Motion passed 8:0.

S. Gartrell explained the purpose of the NCDA and its uniqueness. Mr. Gartrell summarized the proposed changes to the bylaws. Even though there is a sole member, the Planning Director, who moves and votes an issue, his or her actions must be moved and affirmed by the Planning and Development Board.

The primary change to the bylaws is related to Mike Duff's position being changed to a "Housing Program Manager" which Trisha Guditz will assume. The position will manage all of the housing development, rehabilitation and homebuyer assistance programs administered by the Housing and Community Development Program.

S. Wolf asked if anyone other than Steve had authority to sign discharges, releases, etc. Steve responded that yes, he may sign them in his absence. He also suggested that UCC-1 be changed to Uniform Commercial statements.

D. Banash asked where the minutes are kept, if not in a minute book. Mr. Gartrell responded that the minutes are kept in a file, just not in a physical book.

S. Gartrell, acting as the sole member, moved and voted the acceptance of the proposed changes. F. Zemel moved to affirm the action of the sole member. C. Beard seconded the motion. Motion passed 8:0.

Other Business

J. Moss distributed copies of the Community Preservation annual report, as the Board's representative on the Community Preservation Committee, and described the many accomplishments of the Community Preservation program. C. Dame thanked her for all of her good work.

The Board would also like to extend a thank you to Mike Duff for all of his good work. D. Banash moved to extend a thank you to Mike Duff. J. Moss seconded the motion.

J. Moss also asked how the entitlement money was holding up. S. Gartrell replied that CDBG has by cut by about 18% over the course of the Bush administration. For FY09, we received about a 3.2% cut in both CDBG and HOME funds. For FY10, the administration is proposing substantial cuts and Congress is proposing a slight increase.

C. Dame announced that as of May 19, 2008, he will no longer be living in the house he currently lives in. Until he determines his permanent place of residence, which may or may not be in Newton, he will not participate in meetings of the Planning and Development Board.

Respectfully submitted,

Stephen D. Gartrell
Secretary