

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, FEBRUARY 3, 2009

Present: Ald. Mansfield (Chairman), Ald. Albright, Fischman, Merrill, Vance, Brandel, Hess-Mahan, and Sangiolo; also present: Ald. Baker, Salvucci, and Gentile
City staff: Candace Haves (Chief Planner), Ouida Young (Associate City Solicitor), Linda Finucane (Chief Committee Clerk)

Applications for Class 2 Auto Dealer Licenses

#1-09 JACOB and ASSOCIATES
 1232 Washington Street
 West Newton

ACTION: APPROVED 7-0 (Sangiolo not voting)

NOTE: This is an application for a new second-hand automobile dealer license at an existing gas station with a service repair facility. Owner Sam Jacob was present. He explained that because of his expertise he currently contracts with three auto dealers to purchase second-hand vehicles at auctions. He would like the opportunity to do so for himself as well, particularly given the economy. There is no intention to turn the site into a used car lot. He wishes permission to have a maximum of ten cars on site, with no banners or signs. Mr. Jacob provided a site plan that shows ample spaces for both storage and cars in for repair. Alderman Salvucci was present and vouched for Mr. Jacob's suitability as a licensee – a statutory criterion. Alderman Albright moved approved approval, which carried 7-0.

#409-08 NEWTON AUTO GROUP INC
 1235 WASHINGTON STREET
 WEST NEWTON

ACTION: APPROVED 7-0 (Sangiolo not voting)

#413-08 LOS ANGELES AUTOBODY, INC.
 41 LOS ANGELES STREET
 NONANTUM

ACTION: APPROVED 7-0 (Sangiolo not voting)

NOTE: The two licenses above are renewals. They meet the licensing criteria, have no outstanding zoning complaints, and owe no taxes to the City of Newton. Alderman Merrill moved approval, which carried 7-0.

#376-08 JAN SPIRO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL
 for a rear lot subdivision in order to construct a new single-family home to
 the rear of an existing single-family home, including a waiver of the 20-
 foot driveway requirement and a technical waiver from providing parking

on-site, at 296 WARD STREET, Ward 7, Chestnut Hill, on land known as Sec 73, Blk 42, Lot 10, which contains an approximate total of 39,382 sf of land , proposed Lot 1 containing approximately 21,321 sf and proposed lot 2 containing approximately 18,061 sf, in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15(r)(2), 30-19(f)(1) and (2), 30-19(h)(4), and 30-19(m) of the City of Newton Rev Zoning Ord, 2007 and 30-17 (certification from ISD and/or Engineering re the garage being located below the grade of the sidewalk).

ACTION: APPROVED 7-0-1 (Sangiolo abstaining)

NOTE: The petitioner seeks to subdivide an existing rear lot of approximately 39,000 s.f. into two lots, thereby creating a rear lot subdivision from a previous similar subdivision in 1953 which created a new front lot and measured the frontage of the subject lot along the rear lot line of the 1953 lot. The owner of the 1870's home on the current rear lot expects to build a new home on the proposed new lot, and sell the original lot. The special permit is also sought to allow the two-way driveway which would pass over the existing lot and serve both new lots, as well as to allow that driveway to be less than 20 ft. wide. The site is near the corner of Ward St. and Grant Ave. in Newton Center. It is bounded on all four sides by single family homes, located on Grant Ave., Ward St., and Avondale Rd., with the rear yards of approximately 12 homes abutting the subject property. Just to the south on Ward St., but not abutting this property, is a City-owned open space parcel over the Cochituate Aqueduct, extending to Commonwealth Ave. The lot is generally flat and open lawn area, with a large asphalt tennis court to the rear of the current house. At the rear the lot drops off steeply to the south and west and is wooded, as is the adjacent property. Most of the lots in the immediate area are small, between 5,000 and 10,000 s.f., with homes built in the early 20th century.

The public hearing for this petition was held on November 18, 2008. The petitioner's attorney noted that the front lot of 21,321 s.f. would retain the existing Victorian-style house, and a new, lower profile farmhouse-style dwelling would be built on the rear lot, replacing the 7,000 s.f. impervious surface of the tennis court. Access to the new house would be by easement over the existing driveway. The owner, Jan Spiro, a widow who has lived in the existing house for 15 years and raised her children there, expects to move to the new house since she no longer needs the larger space for her family but doesn't want to leave the neighborhood. Her architect explained that the new house is designed to try to achieve a LEED gold rating, and that the placement of the garage minimizes the length of impervious driveway needed. The landscape architect reported that only two trees on the site would have to be removed for the new construction, which would be replaced by three trees, and described the new screening which would supplement the existing perimeter vegetation both on the subject property and in neighboring yards. The Fire Department also provided notice that the plans were approved subject to the condition that the new home be sprinklered. The City Engineer also approved the plans and the drainage design. The Planning Department recommended that a preservation restriction be placed on the existing house, and the petitioner agreed to discuss this with the City's Preservation Planner.

The petitioner presented letters of support from the neighborhood, including those from 4 direct abutters. Several neighbors also spoke at the hearing. Gordon Martin, the owner of 31 Grant Ave., where his daughter lives, said he considers Ms. Spiro to be an asset to the neighborhood and praised her efforts to keep the neighbors informed of her plans. He also said the scale of the house is compatible with its surroundings and he was still working with the landscape architect on details of the proposed screening. Jeff Robison of 12 Avondale Rd. echoed these sentiments and said that he feared another buyer of this property could build by right structures that would have a much greater impact on the abutters. However, Larry and Deborah Raff of 16 Avondale Rd. spoke strongly in opposition to the proposal. Their property extends closer to the site of the new home than that of other Avondale Rd. residents, as the result of lot line adjustment to settle a land dispute between the Raffs and the Spiros 10 years ago. Mr. Raff argued that the proposal involves no relief of hardship (as would a variance request) and that it would negatively impact a multi-acre green space that abuts it to the south (both privately- and City-owned). The Raffs further argued that the proposed house will be only 70 ft. from their kitchen, with 11 windows facing them, and that all the screening is deciduous and lower than the house site. They also added that their basement flooded 6 years ago, and feared that this construction would cause that to happen again. In summary, they believe their property values will be lowered by this subdivision.

Bill Beizer of 37 Grant Ave. said that although he wants to help Ms. Spiro, he has struggled with the location of the proposed house, since it is directly in the line of sight from their main living area, and they will be looking at the longest side of the new house. He said that he believes the rock ledge will not support the proposed planting, and he is meeting with the landscape architect to discuss moderations to the plan. Sydra Schnipper of 273 Ward St. reported that she strongly supports the petition, that homes in this neighborhood are typically close together, and this is a creative solution to Ms. Spiro's needs in that context. David Donelan of 286 Ward St., an immediate abutter to the driveway, said that as a former hydro geologist, he found the drainage design and the intent of creating a green building laudable. Ken Fasman, 25 Grant Ave., reiterated that the petitioner had kept all neighbors involved with the project and listened to their concerns, citing her process as a model. Cynthia Hahn, a new resident at 4 Avondale Rd., also described this petition as a textbook example of how one should introduce change into a neighborhood.

At the first working session on January 6, 2009, the committee learned that the existing 1874 house was unlikely to be eligible for a historic preservation easement, since it had been added to over the years and significantly altered, with historic design details removed. However, it was reported that the petitioner was willing to grant a private 30-year restriction on the growth of the footprint of the house. The proposed driveway and easement area was increased slightly for better circulation, and a berm was created to satisfy a request of the City Engineer to improve drainage. Proposed additional landscaping and screening was reviewed, some of which was to be on the Martin property, which has the closest structure to the new house. However, a new letter from Judge Martin's son expressed concern about the project adversely affecting the property value, the quality of life and the historic nature of their property.

Ald. Brandel moved that the petition be held, noting that the main issue was how the proposed house is sited in the context of the abutting properties, many of which are at lower elevations. He asked the petitioner to develop perspective elevation sketches of the proposed house in its context, so the committee could better evaluate the impacts.

An extension of time was granted to March 20, 2009, and at the February 3 working session Ms. Havens reported that the owners of 31 Grant Ave. (Martin) and the petitioner have discussed the possibility of installing a fence between their properties, but both parties are willing to wait until the new home is built before deciding whether additional screening is necessary. Ald. Brandel suggested that any fence condition should be time-limited and an option only of the present owners of 31 Grant Ave. The petitioner's attorney suggested that it be permitted, but not required, and Ald. Brandel agreed. The committee also reviewed renderings prepared by the petitioner's architect showing views of the house and landscaping from the perspective of the rear yards of 16 Avondale Rd. and 37 Grant Ave. Committee members observed that the enhanced landscaping did a good job in screening the views of and from the new house.

Regarding the proposed deed restriction to prevent significant expansion of the existing house, the committee, the petitioner and Ms. Young struggled to find an acceptable and effective solution to preserving this property. Ald. Brandel noted that changes to this house could greatly affect the density of the neighborhood, no matter what controls are placed on the rear lot. Ald. Baker suggested that the Board should find some mechanism that would set precedent for future rear-lot subdivisions. He said that such a condition should do what it could to preserve the scale and bulk of the neighborhood.

Ald. Hess-Mahan suggested that language for the condition be provided before the vote of the full Board, and so Ald. Vance moved approval of the petition, finding that the scale and height of the proposed building is compatible to neighboring buildings, that the shared driveway fosters pedestrian and vehicular safety, that the house and driveway will be adequately screened from adjacent properties and its siting and design minimizes the impacts on the surrounding neighborhood, that major topographical changes and tree removal are avoided by redeveloping an existing tennis court, that adequate methods of control of surface water drainage are provided, that the design contributes to the conservation of energy and natural resources, and that a single family home at this site is consistent with the Comprehensive Plan.

He also included the following conditions:

That the new house be sprinklered;

That any dead or damaged portions of the landscape screening be replaced annually, including the lattice panels in the proposed privacy screen;

That the construction of a fence along the property line between the petitioner's property and 31 Grant Ave. shall be permitted within two years of occupancy, but not be required;

That a condition be proposed to maintain the bulk and density of the neighborhood by limiting expansion of the house and accessory structures on the front lot.

The motion was approved by a vote of 7-0-1, with Ald. Sangiolo abstaining until she could see the wording of the last condition listed above.

FOOTNOTE: Since the committee wished to include a condition to restrict future additions to the existing house on the front lot and limit development of the westerly portion of that lot, they asked the petitioner's attorney and Associate City Solicitor Young to draft language for its review prior to the working session on February 10. The result was a condition agreed to on that date that limited additions or new construction to the existing footprint plus 15% (approximately 240 s.f.), footprint changes limited to 20 ft. in any direction, a limit of 100 s.f. for accessory buildings (allowing a shed, but not a garage), and conformance to zoning requirements (which limits expansion to 213 s.f. because of open space requirements). An additional finding related to this condition was also proposed.

#385-08 CCMH NEWTON LLC/CHESAPEAKE HOTEL LIMITED PARTNERSHIP petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to convert a approximately 5,000 sf of storage area to meeting rooms/ballroom; convert an outdoor swimming pool and Jacuzzi to a function deck with a seasonal tent; to waive 53 parking spaces and allow stack parking for up to 53 additional spaces with valet parking; to waive various parking facility requirements including interior lighting and landscaping requirements; and to delete and replace condition #3 of special permit #595-67 to allow with provisions changes to the interior building layout without further special permit amendment at 2345 COMMONWEALTH AVENUE, Ward 4, AUBURNDALE, on land known as Sec 41, Blk 23, Lot 18, containing approx 503,158 sf of land in districts zoned BUSINESS 5 and SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-11(i)(5), 30-(5)(b)(4), 30-19(2)(c), 30-19(h)(5)a) and b), 30-19(d), 30-19(k), 30-19(m) of the City of Newton Rev Zoning Ord, 2007, and special permit nos. 537-63 and (1), 680-66, 595-67, 590-84, 491-86, 375-93.

ACTION: APPROVED 7-0 (Fischman recused)

NOTE: This is a petition for a special permit to allow a significant expansion of function space at the **Newton Marriot Hotel**, including the conversion of approximately 6,500 s.f. of interior storage space to four meeting rooms/ballrooms with corridors and a "grand staircase" that expands the building footprint by about 400 s.f. and requires a grade change in excess of 3 feet, the conversion of an exterior pool and patio area to a seasonal function area of about 2,500 s.f., without the expansion of existing parking and therefore requiring a waiver of 53 stalls and the approval of 22 existing substandard parking stalls. Approval is also sought for the waiver of lighting requirements in the parking area and to use a portion of that area for valet parking or up to 53 additional vehicles in spaces that do not conform to the ordinance requirements.

The construction to complete the space and the modifications requested has been undertaken under building permits issued by the Inspectional Services Department over the past three years, but without the required amendments to previous special permits that authorized the construction and use of the Marriott in 1967. At the time of filing for the relief now requested, the work on the estimated \$3.2 million project was 2/3 complete, and the ISD Commissioner allowed the work to continue to completion pending approval of this special permit with the applicant's understanding that this work was at their own risk. In addition, while the petition was pending, ISD issued a temporary occupancy permit to allow the new space to be used for two large events in January 2009, with full knowledge of the Land Use Committee and the Ward 4 Aldermen, and the parking demand and traffic generated during these events was analyzed by the petitioner's traffic consultant and the City's Traffic Engineer.

At the public hearing held on December 9, 2008, the petitioner's attorneys, Jason Rosenberg and Lawrence Lee of Rosenberg of Rosenberg, Freedman & Goldstein outlined the situation and admitted that it was an embarrassing one for their client and the City. They explained that in 2005 a building permit was issued for the removal of the pool and Jacuzzi and construction of a 2,500 s.f. outdoor function deck which can accommodate a 60' x 60' tent. The construction was completed, and each year since then the Marriott has received a permit from the City to erect for use from April to November. In February 2007, a permit was issued to convert the basement storage space to function space and to construct the new staircase. In August of that year, ISD notified the hotel that the permit had been issued in error and that a special permit was required. Subsequently, Marriott engaged Mr. Rosenberg's firm to represent them and during the same period, the management of the hotel also changed. The attorneys then researched the history of alterations at the site and within the building, and found several instances when special permits were applied for and issued—although there were also some requests denied or withdraw, but also a number of changes that were made, especially to interior space, that should have required special permits. They concluded that the condition in the 1967 permit that required an amendment to that permit for any change in interior building layout was impractical and unnecessary, and that the series of permits issued, each with its own conditions, made tracking and compliance with them very difficult for a corporation where ownership and management are likely to change over time. Thus they included in the present application a request to modify the conditions in the 1967 permit to make them clearer and performance-based, specifically in terms of traffic and parking demand. Their goal has been to establish a new baseline in this permit for any additional requests in the future. But Attorney Rosenberg also explained that the Board must treat this petition as if it was unbuilt, and the petitioner moved forward understanding the risk.

The site of the building is in a Business 5 district, which allows hotels by special permit, and a portion of the parking lot is in a Single Residence 3 district. The site is bounded on the west and north by the Charles River, to the south by Commonwealth Avenue with garden apartments on the opposite side, and to the east by City-owned Norumbega Park. A portion of this park land known as "the point", adjacent to the river, is owned by the petitioner and another portion is under the control of the State's DCR. The primary

purpose of the petition is to legalize the conversion of the interior storage space to a function area, a request that had previously been submitted then withdrawn in 1984. In addition to this relief and that identified above, the petitioner has also requested permission to locate a dumpster for single stream recycling next to the loading dock, and a 3' x 5' parking attendant booth in the entrance driveway as a key to the Parking Management Plan (PMP) that they have proposed. The booth has also been in place since the fall and the PMP has been tested.

Sean Reardon, a site engineer from TetraTech Rizzo engaged by the petitioner after the work was underway was asked to evaluate the impact of the project on traffic and parking. He explained that he had conducted a 3-day study in April and May 2008 and found that when conferences and other functions take place at the site, there is little impact on adjacent roadways, including the I-95/128 and Rte. 30 interchanges. He did, however, find a slight reduction in the level of service at the site driveway and Commonwealth Avenue. He also noted that the site is not well-suited to increasing parking capacity. Since parking demand can be forecast by the petitioner up to 6 months in advance based on scheduled conferences and events, Mr. Reardon proposed a PMP that had 4 tiers based on the percentage of the parking lot capacity expected to be utilized, ranging from 80% upwards.

The General Manager, Ed Rocco, explained that the Marriott had installed a temporary parking control booth in the fall that had resulted in turning away an average of 42 vehicles/day that were not parking for business at the hotel. He explained that the site had been used for years as a meeting/parking destination for those going elsewhere in the 128 corridor and/or to downtown Boston. He estimated that this control has opened up 50-55 spaces/day. Parking remains free for legitimate users, although overnight guests are now charged \$9.00 per day. Many of the "legitimate" users are Newton residents visiting the restaurant or the health club; the latter's membership is 90% from Newton. These and other guests now feel more secure, Mr. Rocco said, using this parking area. He also explained the hotel's "green" initiatives, which policies to encourage single stream recycling among others.

The PMP makes use of the "duck feeding area" on the opposite side of the river, and the Riverside MBTA station lot, as well as the Braeburn Country Club lot—all for employee parking when higher tiers of expected demand are projected. Ald. Sangiolo expressed concern that the Riverside lot often has excess spaces, and urged consideration of other off-site alternatives, but not including on-street parking on Commonwealth Ave. Mr. Rocco explained that in 14 months the duck pond lot has been used only 4-5 times, and Riverside has been used only once. He also said he expects off-site usage only 1-3 times/year going forward. The PMP also employs police details at the various tiers to control traffic. Ald. Baker expressed a concern that Newton details might not always be available. Attorney Rosenberg said he expected that they would always be available for this business, and this was later confirmed by the acting Police Chief. Mr. Rocco also noted that the hotel pays about \$1.9 million in taxes to the City each year, and expects that the new function space will generate another \$115-140,000 in tax revenue annually.

Ald. Vance expressed concern about a petition that had been submitted wholly after the fact, including the limitation on green building components that can no longer be incorporated. He noted that the Board could approve a smaller-sized facility than that which has been built, or deny it outright. Ald. Yates suggested that the hotel comply with the criteria of the Boston Green Hotel Organization, which is based in Auburndale. Mr. Rocco admitted that his facility is not there yet, but they are working on it, and will strive to get an EnergyStar award as did the Marriott in Quincy. Ald. Yates also asked the hotel to provide its guest information on local businesses and attractions in Newton as another way to boost local revenue.

Fred Abernathy of 45 Islington Rd. said that he had been involved in Marriott petitions since 1964. He wanted to share with Ald. Vance a long history of the hotel's failure to observe special permit conditions, and blames both the hotel and the City. He said that a three-day traffic study was insufficient, and asked whether the Marriott will pay rent to the DCR for use of the duck feeding area. He also added that the petitioner did not meet with neighbors until a week before the hearing.

Ald. Albright asked to hear a report from Commissioner Lojek on how this process failed. Ald. Gentile asked about the magnitude of the parking problem on Commonwealth Ave., since he had heard no complaints about it at the neighborhood meeting.

Anna Maria Abernathy of 45 Islington Rd. replied that police do not enforce the parking regulations on Commonwealth Ave. She also asked the Board not to reduce the requirements for special permits for this business. Fran Wright of 15 Oak Ave. noted that many people park on Commonwealth Ave. despite the restrictions, but that since this petition will create jobs in the service sector, the Board should find a way to approve it. Alice Bonis of 19 Rockwood Terrace reported that the Marriott is a good neighbor and that she enjoys frequenting the restaurant. She appreciated the new parking controls and the safety enhancement, and supports valet parking. Tom O'Rourke, President of the Newton-Needham Chamber of Commerce, said approval of the petition will provide financial and operational benefits to the City, that it improves traffic and safety, and that it allows the hotel to remain competitive. But Bob McInerney of Phillips St. said that the area of Commonwealth Ave. near the hotel is poorly cared for. Cars and commercial vehicles are parked there all day, the area is littered, and the grass is not mowed, he said. Ald. Harney reported that neighbors have asked the Marriott to consider installing and maintaining additional landscaping in the Commonwealth Ave. median.

The first working session on this matter was held on January 13, 2009. Ms. Havens reviewed the information provided, including that the existing 430 rooms and 676 parking spaces now on site will not be increased. However, the proposed increase in function space, from 20,000 to 25,000 s.f. is a 25% increase. She also reported that 15 new trees are proposed in the parking lot's landscaped islands, and that the PMP includes two tiers of stacked valet parking on-site for up to 53 cars, equal to the number of spaces for which a waiver is requested. She reported that the goal of the management is to book

larger single-event conferences, rather than smaller events, which should generate less parking demand as fewer attendees come by car, alternate in their use of break-out spaces, and/or stay overnight at the hotel.

Ms. Havens also reported that the May parking counts projected a worse-case scenario that required 725 spaces for a large event, but an updated study done in December after the parking controls were initiated (and also while construction was proceeding, reducing the available stalls), found that the demand was reduced. As a result of this study and comments at the hearing, the most intensive tier of the PMP has been eliminated, Commonwealth Avenue is no longer designated for overflow parking, and it has become a 3-tier plan. Tour busses will be asked to park in the rear of the lot, and not on Commonwealth Ave., and Brandeis has been added as an alternate off-site location for employee parking. Mr. Rocco explained that if the Board did not approve the 53-space waiver, the hotel would put a cap on the occupancy of the new space.

Ald. Brandel noted that there are deteriorating asphalt pathways in Norumbega Park and asked if there was interest in asking the petitioner to participate in upgrading this area. Ald. Sangiolo expressed interest in extending the Charles River bikeway through this area. Ald. Harney explained that the request for planting in the median have come from the Pigeon Hill neighborhood that look down upon it. Ald. Sangiolo asked if the crosswalk should be considered in front of the Marriott, or at the corner of Auburn St. at the new Hess station. Ald. Mansfield asked if the sidewalk in front of the Marriott itself should be improved. Ald. Brandel then suggested that a site visit be arranged so that all these areas could be viewed, as well as the interior spaces that were now finished. That visit was scheduled, but the amount of snow on the ground made some of the outside elements very difficult to evaluate.

Commissioner Lojek also attended this meeting to explain the role of his department in creating the situation the Board now faced. He readily admitted that the issuance of the 2/07 permit was an error by the former Chief Inspector/plans Examiner. All other erroneous permits were issued before the Commissioner's tenure. Mr. Rosenberg said that the general contractor was working with the City's Planning Department at that time, but they also didn't flag the need for a special permit. Ald. Sangiolo asked the Commissioner why a stop-work order wasn't issued in 8/07 when the mistake was discovered. He replied that the petitioner agreed to accept the "world's most beautiful storage space" if allow to continue and the petition is denied.

The item was held pending the site visit and the opportunity to observe the traffic impacts of the use of the space under temporary occupancy permits in the latter part of January.

The second working session was held on February 3. Four members visited the site on 1/23 and 1/26. Others, including the Chair, had previously visited on their own. Ms Havens reported that the parking counts taken on 1/20 and 1/27 were lower than those taken in December, and on one of these dates the rooms in the hotel were fully booked.

She also pointed out that if a pedestrian traffic signal was offered in conjunction with a crosswalk, it would need to be approved by the Traffic Council. If not approved, then the petitioner's contribution towards it, up to \$20,000, would be redirected to improvements at Norumbega Park. Ald. Gentile asked if the signal could be required by the Board of Aldermen, and was reminded that traffic Council actions can be appealed to the board. The petitioner stated is willingness to offer \$40,000 for up to 4 years towards installation of the signal. If that did not go forward, the ½ the funds would be redirected to Norumbega. The Chair expressed concern that there would be no improvements to Norumbega if the light was installed, but was told that up to \$6,000 is offered for specific improvements to halt erosion and provide a bench, regardless.

There was further discussion on pursuing green initiatives, and Ald. Vance said he would expect even more in this direction when the hotel seeks subsequent permits. The consolidation of conditions from previous permits was reviewed by Ms. Havens and Ms. Young, and Ald. Hess-Mahan reported that ISD, IT and the local land use attorneys are planning to meet and devise a system to scan previous Board Orders and make then accessible electronically, which would lessen the chance that situations like this will occur. Ald. Brandel and others suggested that the committee docket an item to explore this initiative formally and more broadly.

Ald. Sangiolo then moved approval of this petition and consolidation of previous Board Orders. She referenced an extensive list of findings which are contained in the draft Board Order, as are the new conditions associated with granting this relief and the consolidation of previous conditions. Regarding whether the conditions should include a cap on the annual number of Tier III events (the largest parking demand), Ald. Gentile said that he did not believe this was necessary, given the controls that are built into the PMP, and Ald. Sangiolo agreed.

The motion was then approved by a vote of 7-0, with Ald. Fischman recused.

The meeting was adjourned at 11:15 PM.

Respectfully submitted,

George E. Mansfield
Chair