

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, OCTOBER 12, 2004

Members present: Ald. Mansfield (Chairman), Ald. Albright, Salvucci, Harney, Samuelson, Vance, and Fischman

Absent: Ald. Merrill

City staff: Associate City Solicitor Ouida Young

#319-03(3) PRESIDENT BAKER recommending the following appointments to the Neighborhood Council established by condition 20 of Special Permit #319-03, dated May 25, 2004, which granted a special permit to Chabad-Lubavitch, Inc. at 229 Dedham Street, Ward 8:

- (A). Paul J. Kwasnick, 237 Dedham Street (neighborhood representative)
- (B) Renee L. Mitchell, 2 Cannon Street (neighborhood representative)
- (C) Ald. Mitchell L. Fischman, Ward 8 representative
- (D) Ald. Richard A. Lipof, Alternate Ward 8 representative

ACTION: Approved 7-0

NOTE: Ald. Fischman outlined condition #20 of the Board Order that granted a special permit to Chabad-Lubavitch, Inc., for a waiver of parking requirements to operate a synagogue at 229 Dedham Street, approved by the Board in May 2004. This condition establishes a Neighborhood Council whose purpose is to discuss any issues that may arise which jointly affect the neighborhood, the petitioner, and the Countryside School and to attempt to reach consensus on ways of mitigating the impacts of these issues. Ald. Fischman noted that the condition required each party to appoint representatives to the Council as soon as possible after approval of the special permit, consisting of two representatives appointed by the petitioner, 2 neighborhood representatives appointed by the Board, an Alderman from Ward 8 and a designee of Countryside School. He said that the Principal will represent the School, President Baker has designated him as the Ward 8 representative, with Ald. Lipof as an alternate, and this docket item also requests the appointment of two neighborhood representatives. However, the petitioner has not yet designated its two members.

The recommended neighborhood representatives, Paul Kwasnick and Renee Mitchell, were both present. Ms. Mitchell explained that she had lived for several years within sight of the location of the synagogue, was familiar with the issues, and was a past officer of the Countryside School PTA. Mr. Kwasnick reported that he has lived next door to the site for 37 years and believes serving on the Council would be in his own best interest.

Mr. Kwasnick also reported that Chabad does not yet appear to have fulfilled several conditions of the special permit. He said that the driveway has not been narrowed, rear stairs have not been built, and cars of congregants are parked on the street overnight. Ms Mitchell added that trash has been placed on the curb for City pickup, often outside the allowed hours, when the Board Order had specified private trash removal. Ms. Young explained that the license agreement for the use of the Countryside parking lot for overnight parking has been executed, however, the condition allows congregants to park there but does not require it. She further explained that, at the neighbors' request, the City agreed to trash pickup since it appeared that a private contractor could be more disruptive to the neighborhood.

The Committee agreed that this Council should be established as soon as possible since it seemed to have work to do. Ald. Fischman would be charged with calling the first meeting, after which the Council would meet as frequently as it deemed necessary, but at least twice a year. Ms. Young agreed to contact the petitioners' attorney to urge expeditious action on this matter. Ald. Salvucci moved approval of the appointments, and the motion carried 7-0.

The meeting was adjourned at 8:45 PM.

Respectfully submitted,

George E. Mansfield, Chairman