



# Zoning & Planning and Public Facilities Committees Joint Meeting Agenda

## City of Newton In City Council

Wednesday, October 2, 2019

6:30pm  
211/Chamber

### Items Scheduled for Discussion:

**#204-19**      **Review and possible amendment of Demolition Delay and Landmark Ordinances**  
COUNCILORS KELLEY, ALBRIGHT, AUCHINCLOSS, COTE, CROSSLEY, GREENBERG, KALIS, KRINTZMAN, LAPPIN, LEARY, LIPOF, MARKIEWICZ, NORTON, AND SCHWARTZ requesting a review and, if appropriate, an update of Chapter 22, Sections 22-50 to 22-76 that relate to demolition delays, historic designation, and landmarking.

**#301-19**      **Appointment of Dante Capasso to Auburndale Historic District Commission**  
HER HONOR THE MAYOR appointing DANTE CAPASSO, 5 Ionia Street, Auburndale, as a member of the AUBURNDALE HISTORIC DISTRICT COMMISSION for a term to expire September 30, 2022 (60 days: 11/02/19)

***Note:** The Zoning & Planning Committee will meet jointly with the Public Facilities Committee to discuss the Climate Action Plan (items #142-19 and #13-19).*

**#143-19**      **Referred to Public Facilities and Zoning & Planning Committees**  
**Discussion/Adoption of Climate Action Plan/Citizens Climate Action Plan**  
COUNCILORS ALBRIGHT AND CROSSLEY on behalf of the Zoning & Planning and Public Facilities committees, requesting discussion and adoption of items within the Climate Action Plan and the Citizen's Climate Action Plan with the Sustainability Directors, Climate Action Planning team led by Jennifer Steel (Planning Department staff, MAPC and volunteers) and the Citizens' Commission on Energy. The focus will be to understand the synergies between the two complimentary plans and how items within the plans can be integrated to achieve the significant reductions in greenhouse gas emissions called for in recent national and international reports.

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

**#13-19 Adoption of the Climate Action Plan**

DIRECTOR OF PLANNING requesting discussion and adoption of the Climate Action Plan as an amendment to the 2007 Comprehensive Plan.

**#165-19 Adoption of Washington Street Vision Plan as part of the Comprehensive Plan**

DIRECTOR OF PLANNING requesting approval and adoption of the Washington Street Vision Plan as an amendment to the 2007 Newton Comprehensive Plan.

**#191-19 Ordinance amendment relative to Community Preservation Act and Committee**

COUNCILORS LAPPIN, ALBRIGHT, CROSSLEY, LEARY, DOWNS AND KELLEY requesting amendments to Chapter 7, Section 81 of the City of Newton Ordinances, to better define the membership of the Community Preservation Committee, to clarify oversight, and to include City approval procedures required by the 2012 update to MGL Chapter 44B, Section 5(d), the Community Preservation Act.

**Respectfully Submitted,**

**Susan S. Albright, Chair**



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

301-19  
301-19  
Telephone  
(617) 796-1100  
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(617) 796-1113  
TDD/TTY  
(617) 796-1089  
Email  
rfuller@newtonma.gov

August 19, 2019

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to appoint Dante Capasso of 5 Lonia Street, Auburndale as a full member of the Auburndale Historic District Commission. His term of office shall expire September 30, 2022 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller  
Mayor

RECEIVED  
CITY OF NEWTON  
2019 AUG 21 AM 11:56  
RUTHANNE FULLER, MAYOR  
OFFICE OF THE MAYOR

Application Form

Profile

Dante \_\_\_\_\_ W \_\_\_\_\_ Capasso \_\_\_\_\_  
 First Name Middle Initial Last Name

\_\_\_\_\_  
 Email Address

5 Ionia Street \_\_\_\_\_ Suite or Apt \_\_\_\_\_  
 Home Address  
 Auburndale \_\_\_\_\_ MA \_\_\_\_\_ 02466 \_\_\_\_\_  
 City State Postal Code

What Ward do you live in?

Ward 4

\_\_\_\_\_  
 Primary Phone

\_\_\_\_\_  
 Alternate Phone

Capasso Realty Corp \_\_\_\_\_ Director of Project Management \_\_\_\_\_  
 Employer Job Title

Which Boards would you like to apply for?

Auburndale Historic District Commission: Submitted

Interests & Experiences

Please tell us about yourself and why you want to serve.

**Why are you interested in serving on a board or commission?**

As someone who both lives and works in Auburndale I think it is very important to preserve the historic character of our village. Our family been in business in Auburndale and other villages of Newton for over 50 years and I feel my experience in construction, design, and development would be an asset to the Auburndale Historic Commission. Below is my Bio. Dante Capasso is the Director of Project Management at Capasso Realty Corporation. Capasso Realty, a family business has been owned and operated in Newton for over fifty years. The company develops, owns, and manages commercial and residential buildings throughout the community. He has a multitude of responsibilities including the company's green initiative, acquiring new properties, ground up design, development and construction, community outreach, as well as the day to day management of all residential and commercial properties. Before joining Capasso Realty Dante started his career in finance at John Hancock. He held several roles, spending the bulk of his time in charge of Northeast 529 investment sales. Dante earned his Bachelor's degree from the School of Management at Marist College in Poughkeepsie, New York. He earned his Chartered Retirement Planning Designation from the College of Financial Planning. Additionally, he holds a Massachusetts Construction Supervisor License. He is currently studying for his LEED Green Associate credential which focuses on green building and energy efficient practices. He lives at home in Auburndale with his wife Erin and son Henry.

[Bio-Dante\\_Capasso.docx](#)

Upload a Resume

Dante Capasso is the Director of Project Management at Capasso Realty Corporation. Capasso Realty, a family business has been owned and operated in Newton for over fifty years. The company develops, owns, and manages commercial and residential buildings throughout the community.

He has a multitude of responsibilities including the company's green initiative, acquiring new properties, ground up design, development and construction, community outreach, as well as the day to day management of all residential and commercial properties.

Before joining Capasso Realty Dante started his career in finance at John Hancock. He held several roles, spending the bulk of his time in charge of Northeast 529 investment sales.

Dante earned his Bachelor's degree from the School of Management at Marist College in Poughkeepsie, New York. He earned his Chartered Retirement Planning Designation from the College of Financial Planning. Additionally, he holds a Massachusetts Construction Supervisor License.

He lives at home in Auburndale with his wife Erin and son Henry.

## MEMO

To: Zoning and Planning Committee  
From: Co-docketers of #191-19 (CPA ordinance revisions)  
Date: Sept 27, 2019  
Re: Minor proposed revisions to the 8/26 CPC ordinance change

Mr. Heath met with the Community Preservation Committee regarding proposed Administration changes to the co-docketers ordinance (#191-19). Subsequently, the Chair of the CPC conveyed remarks from that meeting to Ms. Albright. There were seven proposed changes. These were reviewed with the co-docketers and two of these proposed changes are reflected in the amended new ordinance you have in your packet (redlined with cross-outs). Below these items are summarized.

1. Section 7-80 (3) - the Administration wanted to remove the wording proposed and substitute language from the state law. The co-docketers felt that the proposed ordinance was clearer with respect to CPA funds augmenting other funds as well as being used as leverage for additional funds. We recommend no change from the proposed ordinance viewed at the 8/26 meeting.
2. Section 7-81(a)(2) - the Administration wanted to clarify that recreation should be preceded by the word "outdoor" and should read outdoor recreation. The co-docketers agree and this is reflected in the new version.
3. Section 7-81(c) - The Administration earlier preferred to add a 3 term (9 year) term limit (this had been 2 terms in an earlier version). The co-docketers agreed to this in the 8/26 version. There was some question by committee members and staff as to whether the limit should be 2 or 3 terms. Some wondered if it would be difficult to find members who are willing to commit to 9 years. We recommend that ZAP discuss this. There is no other committee that has term limits to use as a model.
4. 7-81(d) - the Administration proposed different text regarding what happens when a member of the committee moves out of Newton. CPC staff provided additional language which the co-docketers agreed to and is reflected in red in this section. We believe it solves the problem that the Administration addressed and is grammatically correct.
5. 7-83 (a) - the Administration proposed minor changes to this section. The CPC didn't care but the co-docketers prefer to leave the language as it appears in the 8/26 version.
6. 7-83(b) - the Administration proposed minor changes, again the co-docketers prefer to leave this as proposed on 8/26
7. 7-83 - This section is about the role of the CPC in selecting CPA staff. The co-docketers prefer to leave this section as originally proposed on 8/26

**ARTICLE VIII.  
COMMUNITY PRESERVATION COMMITTEE**

**Sec. 7-80. Establishment, duties and organization.**

- (a) The Newton community preservation committee (“CPC”) is hereby established to carry out the functions and duties of such a community preservation committee as provided in General Laws chapter 44B, the Community Preservation Act, including
- (1) The community preservation committee shall study the needs, possibilities and resources of the city regarding community preservation.
  - (2) The community preservation committee shall make recommendations to the city council for funding of projects that involve open space, historic resources, land for recreational use, and community housing and that meet the other requirements in General Laws chapter 44B, including that such funds shall not be used for maintenance.
  - (3) To the greatest degree possible, this fund shall be used to augment or make whole projects that otherwise may not be possible to achieve or preserve. Projects should use CPA funds to leverage other resources, and should not be targeted as a fund to substitute for the General Fund.
- (b) The community preservation committee shall annually elect one of its members to serve as chairperson and may elect such other officers, adopt procedural rules and regulations and establish any subcommittees as it deems appropriate. (Ord. No. W-66, 11-19-01; Rev. Ord. 2007, § 2-350)
- (c) The CPC and city council shall evaluate all requests for project funding from the community preservation fund in the same manner, in accordance with the goals of the Community Preservation Act and the guidelines and procedures established by the CPC.
- (d) The CPC shall meet annually with the city council, separately from review of project funding recommendations and the annual budget, to review the status of the community preservation fund, Newton’s community preservation program, and the ordinance. The city council may request additional meetings with the CPC as needed.

**Sec. 7-81. Composition, eligibility, terms of office, term limits.**

- (a) The committee shall consist of nine members, as follows:
- (1) The conservation commission, planning and development board, housing authority, historic commission, and parks and **outdoor** recreation commission shall each designate one of its members, who may be one of their alternate members, to serve as a member of the community preservation committee (the “statutory members”).
  - (2) The remaining four members (the “appointed members”) shall be appointed by the mayor with approval of the city council in accordance with section 7.1. The appointed members shall include at least one citizen who has expertise or demonstrated interest in open space, at least one citizen who has expertise or demonstrated interest in **outdoor** recreation, at least one citizen who has expertise or demonstrated interest in historic preservation and at least one citizen who has expertise or demonstrated interest in affordable housing. In making such appointments, the mayor shall be guided by the goals that the committee’s overall membership includes persons with relevant professional expertise and represents



the diversity of the City's residents and neighborhoods.

(3) No appointed member shall be an employee or elected official of the City.

(b) Members shall serve for terms of three (3) years or until their successors shall take office. Appointments shall allow for staggered terms.

(c) No person shall be eligible to serve as a member for more than three (3) consecutive full terms.

(d) **Appointed members who remove their residence from the City shall be considered..**

~~When an appointed member removes his or her residence from the City he or she shall be considered thereby to have resigned from the committee.~~

**Sec. 7-82. Mechanisms for legislative approval or veto.**

(a) The CPC shall transmit recommendations for expenditure of community preservation funds to the city council and shall provide a copy of such recommendations to the Mayor.

(b) The city council shall refer each CPC funding recommendation to appropriate council committees, including the finance committee, for review.

(c) After receiving a project funding recommendation from the CPC, the city council may approve appropriations from the community preservation fund for an amount up to and including that recommended by the CPC; may vote not to appropriate the recommended funds; or may hold the item and return the funding recommendation to the CPC for revisions.

(d) The city council may also condition its approval of community preservation funds on the availability of such additional non-community preservation funds as have been designated by their authorizing bodies for application to the project.

**Sec. 7-83 Administration and operations**

(a) In response to the annual program budget proposed by the CPC, the city council shall make appropriations from the community preservation fund as it deems necessary for the CPC's administrative and operating expenses, including staffing. Such appropriations shall not exceed 5 per cent of the annual revenues in the community preservation fund.

(b) City departments hosting staff positions funded by CPC administrative and operating expenses shall collaborate with the CPC in finalizing job descriptions and organizational structure for said positions. The CPC Chair and up to one other appointed member of the CPC shall participate in the hiring process and shall have final approval of the Community Preservation Program Manager or any other CPC-funded staff.

Sec. 7-84 The provisions of this Article shall be interpreted and applied at all times consistently with the provisions of Chapter 44B of the General Laws, as Chapter 44B may be from time to time amended, and with the provisions of any relevant general or special law.

Secs. 7-85—7-89. Reserved.

## # 191-19 DRAFT FOR DISCUSSION PURPOSES 8/22/2019

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  2. **The community preservation committee shall make recommendations to the city council for funding of projects that involve open space, historic resources, land for recreational use, and community housing and that meet the other requirements in General Laws chapter 44B, including that such funds shall not be used for maintenance.**
  3. **To the greatest degree possible, this fund shall be used to augment or make whole projects that otherwise may not be possible to achieve or preserve. Projects should use CPA funds to leverage other resources, and should not be targeted as a fund to substitute for the General Fund.**
- (b) The committee shall annually elect one of its members to serve as chairperson and may elect such other officers, adopt procedural rules and regulations and establish any subcommittees as it deems appropriate. (Ord. No. W-66, 11-19-01; Rev. Ord. 2007, § 2-350)
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- (1) The conservation commission, planning and development board, housing authority, historic commission and parks and recreation commission shall each designate one of its members, who may be an alternate member, to serve as a member of the committee (the “statutory members”).
  - (2) The remaining four members (the “appointed members”) shall be appointed by the mayor with approval of the city council in accordance with section 7-1 of the city ordinances. The appointed members shall include at least one citizen who has expertise or demonstrated interest in open space, at least one citizen who has expertise or demonstrated interest in recreation, at least one citizen who has expertise or demonstrated interest in historic preservation and at least one citizen who has expertise or demonstrated interest in affordable housing. ~~In making such appointments, the mayor shall be guided by the goal that the membership of the committee include persons with professional expertise in real estate, finance, architecture and law.—In making such~~

## # 191-19 DRAFT FOR DISCUSSION PURPOSES 8/22/2019

appointments, the mayor shall be guided by the goals that the committee's overall membership includes persons with relevant professional expertise and represents the diversity of the City's residents and neighborhoods.

**(3) No appointed member shall be an employee or elected official of the City.**

~~(b) There shall be a ward residency requirement for the appointed members. One appointed member shall be appointed from ward 1 or 2; one from ward 3 or 4; one from ward 5 or 6; and one from ward 7 or 8. In order to qualify, an appointee must be a resident of such ward on the effective date of the appointment. An appointed member who subsequently removes his or her residence to another location in the city may continue to serve for the remainder of the term. However, an appointed member who removes his or her residence from the city shall be considered thereby to have resigned from the committee. (Ord. No. W 66, 11 19 01; Rev. Ord. 2007, § 2 351)~~

**(b) Members shall serve for terms of three (3) years or until their successors shall take office. Appointments shall allow for staggered terms.**

**(c) No person shall be eligible to serve as a member for more than three (3) consecutive full terms.**

**(d) When an appointed member removes his or her residence from the City he or she shall be considered thereby to have resigned from the committee.**

~~Sec. 7-82. Terms of office; limits~~

~~(a) Members shall serve for terms of three (3) years or until their successors shall take office. However, in order to provide for staggered terms, the initial appointments shall be as follows:~~

~~(1) Statutory members: The planning and development board shall designate one member for a one (1) year term. The parks and recreation commission and historic commission shall each designate one statutory member for a two (2) year term. The housing authority and the conservation commission shall each designate a statutory member for a three (3) year term.~~

~~(2) Appointed members: Two appointed members shall be appointed for a one year term; one appointed member shall be appointed for a two year term; and one appointed member shall be appointed for a three year term. (b) No person shall be eligible to serve as a member for more than two (2) consecutive full terms. For purposes of this clause, the initial one (1) and two (2) year appointments shall be deemed not to constitute full terms. (Ord. No. W 66, 11 19 01; Rev. Ord. 2007, § 2 352) Editor's note—Ord. No. W 66 provided that sections 2-350 through 2-352 take effect on January 1, 2002.~~

~~Secs. 7-83—7-89. Reserved~~

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**Sec. 7-84** The provisions of this Article shall be interpreted and applied at all times consistently with the provisions of Chapter 44B of the General Laws, as Chapter 44B may be from time to time amended, and with the provisions of any relevant general or special law.

**Secs. 7-85—7-89. Reserved.**