

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, JANUARY 26, 2004

Present: Ald. Yates (Chairman), Ald. Lappin, Hess-Mahan, Johnson, Baker, Lennon, and Sangiolo

Absent: Ald. Mansfield

City staff: Martha Horn, Environmental Planner; Juris Aksnitis, Associate Director of Planning; Linda Finucane, Chief Committee Clerk

Appointment by His Honor the Mayor

#16-04      NATHANIEL KATZ, 300 Elliot Street, Newton Upper Falls, appointed as an ALTERNATE member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term of office expiring January 1, 2006 (60-day Board action 3/5/04).

ACTION:      HELD 6-0 (Sangiolo not voting)

NOTE: Since Dr. Katz was not present and he is a new appointee, the Committee voted to hold the item until the next meeting.

Appointment by His Honor the Mayor

#545-03      PHILIP PLOTTEL, 50 Roslyn Road, Waban, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire on December 1, 2006 (60-day Board action 2/14/04).

ACTION:      APPROVED 6-0 (Sangiolo not voting)

NOTE: Mr. Plottel has degrees in Engineering and business and extensive experience as the property developer of a major drug company located in Cambridge. He served on the North High School Task Force and wants to continue his community service on the EDC. The Committee was delighted with his background and willingness to serve. After some advice on the substance and methods the EDC should follow, the Committee voted unanimously to approve his appointment.

Re-appointment by His Honor the Mayor

#20-04      JANE IVES, 34 Lucille Place, Newton Upper Falls, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office expiring December 31, 2006 (60-day Board action 3/5/04).

ACTION:      APPROVED 6-0 (Sangiolo not voting)

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NOTE: Ms. Ives is a visiting professor at Bentley College who teaches a class on Monday nights. Although she was not present, her status as a re-appointment and her extremely impressive resume in academics and business persuaded the Committee to approve her re-appointment.

Re-appointment by His Honor the Mayor

#21-04      JOYCE MARCHETTE, 48 Athelstane Road, Newton Centre, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office expiring October 5, 2006 (60-day Board action 3/5/04).

ACTION:      APPROVED 6-0 (Sangiolo not voting)

NOTE: Ms. Marchette is a long time EDC member with a background in real estate. She thinks the most interesting part of the EDC's work will be the development of a plan for Newton Centre as the "Gateway" to the city. The Committee approved her re-appointment unanimously.

Re-appointment by His Honor the Mayor

#22-04      ROGER MATTHEWS, 44 Concolor Road, Newton, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office expiring October 5, 2006 (60-day Board action 3/5/04).

ACTION:      HELD 6-0 (Sangiolo not voting)

NOTE: Since Mr. Matthews was not present and Committee members wanted to ask him questions and his resume had not been provided, the Committee voted unanimously to hold his re-appointment until the next Committee meeting.

Re-appointment by His Honor the Mayor

#23-04      CAROL ANN SHEA, 24 Milo Street, Auburndale, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office expiring January 1, 2007 (60-day Board action 3/5/04).

ACTION:      HELD 6-0 (Sangiolo not voting)

NOTE: Although as a former Board President and long time EDC member, Ms. Shea is well known to some Committee members, her absence and consequent inability to answer questions and lack of a resume led the Committee to hold her re-appointment for February 9.

Re-appointment by His Honor the Mayor

#18-04      ELIZABETH BROWN, 312 Woodcliff Road, Newton Highlands, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office expiring January 1, 2007 (60-day Board action 3/5/04).

ACTION:      NO ACTION NECESSARY 6-0 (Sangiolo not voting)

NOTE: Ms. Brown has resigned from the EDC so the Committee voted No Action Necessary on her re-appointment.

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Re-appointment by His Honor the Mayor

#24-04 FRAN YERARDI, 141 Jewett Street, Newton Corner, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office expiring January 1, 2007 (60-day Board action 3/5/04).

ACTION: APPROVED 6-0 (Sangiolo not voting)

NOTE: Mr. Yerardi is well known to Committee members as the owner of a popular restaurant in Nonantum. His resume was available. Alderman Lennon pointed out that he had just been elected President of the Chamber of Commerce and moved approval of his re-appointment. The motion passed unanimously.

Appointment by His Honor the Mayor

#45-04 BERNARD SHADRAWY, JR., 789 Commonwealth Avenue, Newton Centre, appointed as full member of the ZONING BOARD OF APPEALS, filling the unexpired term of Harold Meizler, which term will expire on September 1, 2005 (60-day Board action date 3/20/04).

ACTION: APPROVED 6-0

NOTE: Mr. Shadrawy is an attorney who has served as an Associate Member of the ZBA for several years. He is nominated to fill out the unexpired term of Harold Meizler, the former Chair who recently retired. In the re-organization, Catherine Clements was elected the new Chair fulfilling the intentions of current and former Committee members (like Representative Ruth Balsler) that qualified women should serve on and even lead this Board. Mr. Shadrawy was voted Vice-Chair, an action that confirmed Alderman Yates's impression that he was well respected by his peers. Mr. Shadrawy brought the Committee up to date on the various lawsuits to the extent that he could. The Avalon Bay development proposed for the Route 9 ramp site in Chestnut Hill was denied by the ZBA on the basis of traffic. Since lack of safe access to and from a site is a legitimate ground for denial of a Comprehensive Permit, it seemed to Alderman Yates that the ZBA had acted properly under Chapter 40B and would be able to successfully defend its decisions. Mr. Shadrawy could not answer questions on one decision in which he had not participated. He said that in the future, all ZBA members, both Associate and Full, will meet periodically to exchange information and plan the Board's upcoming work. The Committee voted 6-0 to approve his appointment although noting that Mr. Meizler was one of the longest serving members perhaps second only to Maurice Reidy and that some recognition should be made of that. Mr. Shadrawy said that the other members are talking Mr. Meizler to lunch in the near future.

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

#549-03 HIS HONOR THE MAYOR submitting the FY05-FY09 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter which requires Board of Aldermen approval of a plan to finance \$170,899,860 of new local projects over the next several years:

**SUMMARY**

PUBLIC WORKS (City-Funded).....\$ 8,075,000

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PUBLIC WORKS (Grant/Fee Funded).....	\$ 54,256,057
PUBLIC SAFETY.....	\$ 4,611,000
PUBLIC BUILDINGS.....	\$ 4,555,750
SCHOOL DEPARTMENT.....	\$ 89,293,029
PARKS AND RECREATION.....	\$ 8,143,500
OTHER.....	\$ 1,965,524
<b>TOTAL.....</b>	<b>\$170,899,860</b>

**ACTION:** CONSERVATION PORTION APPROVED AS AMENDED 6-0 (Sangiolo not voting)

**NOTE:** There were only two items in the Conservation Commission’s CIP. They included long deferred work on pathways and other land for \$10,000 per year. Ms. Horn uses volunteers to the extent feasible, but since much of this work involves use of a chain saw, a professional must be used for safety. The Forestry Division of the Parks and Recreation Department will cut up a tree that has fallen across a path, but permanent disposal and preventative cutting are beyond their scope. Since this type of work is clearly maintenance, it would not be eligible for Community Preservation Act funds. The Engineering to figure the cause of the erosion on The Elgin Road property and design its elimination cannot be done by the City Engineering Division. CPA funds should be sought to design the preservation of this Open Space.

Alderman Baker urged that the money for Phase 4 of the Houghton Garden project (the last part of the fence replacing the chain link fence) should be included in the CIP since it was under consideration by the Community Preservation Committee. The Mayor’s office had not included it in the mistaken belief that CPA funded projects need not be in the CIP which they perceive as a prelude to a capital budget for the use of city funds. This is incorrect. All the city’s future capital needs are supposed to be included in the CIP.

Alderman Baker moved approval of the Conservation Commission section of the CIP as amended to reflect the need for outside engineering for the Elgin Road land and to include Phase 4 of the Houghton Garden Project. The motion passed unanimously.

**NOTE:** Subsequent to this meeting, Ms. Horn had a discussion with Chief Financial Officer Sandy Pooler re Phase 4 of the Houghton Garden project. They both recalled the fencing had been included in last year’s CIP for ‘04 because it needed to meet the CPA application deadline. Thus, the item does not need to appear in the 2005 CIP and the Conservation portion of the CIP, attached, remains unchanged, other than the amended narrative for Madoc St. Erosion Control at Webster Conservation Area.

**REFERRED TO ZONING & PLANNING & FINANCE COMMITTEES**

#168-02 HIS HONOR THE MAYOR requesting that the Board of Aldermen establish new civil fines under Section 20-21 of the City of Newton Ordinances for the violation of various environmental provisions enforced by the Conservation Commission.

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ACTION: HELD 7-0

NOTE: The Conservation Commission wanted to revise this item based on the record of the last two years. Ms. Horn explained that ticketing would only be used after a series of three increasingly strong letters and a vote of her Commission. Although the direct role of the Police Department in ticketing has been removed, if she feels that ticketing might cause some physical jeopardy, she will ask for Police support. The Committee voted to hold the item until the Conservation Commission has revised it.

#47-04 ALD. YATES requesting that the *Open Space and Recreation Plan of 2003* be considered as a possible element in the city's *Comprehensive Plan* in accordance with the procedures of the City Charter.

ACTION: NO ACTION NECESSARY 5-0-2 (Baker, Sangiolo abstaining)

NOTE: Alderman Yates had assumed that no further action was being taken on the Open Space Recreation plan submitted to the Board last year by the Comprehensive Planning Advisory Committee. Mr. Alksnitis and CPAC Chair Phil Herr explained that a member of the CPAC had volunteered to update the document and produce a shortened version in a similar format to the other elements of the plan in development. CPAC will decide on the matter on January 29 as well as review the possibility of a similar action on a draft Historic Preservation Plan. Alderman Yates was satisfied and moved NAN. Aldermen Baker and Sangiolo preferred to hold item until after the CPAC meeting. In the spirit of the effort to remove as many items from the docket as possible, the Committee voted 5-0-2 (Baker, Sangiolo) that there was No Action Necessary on the item

#### Schedule

All the remaining EDC appointments and items will be taken up on February 9. At the suggestion of Alderman Johnson, new item 48-04 will be taken up on March 9. At the special meeting on March 29, we will take up all of Alderman Mansfield's restaurant items (234-02, 86-02, 237-01, 238-01, 239-01) and the status of the 30-15 Task Force. It did not seem feasible to schedule items any further. All other items were held without discussion and the meeting was adjourned at approximately 9:30 PM.

Respectfully submitted

Brian Yates, Chairman