

CITY OF NEWTON
IN BOARD OF ALDERMEN
ZONING AND PLANNING COMMITTEE REPORT
MONDAY, FEBRUARY 9, 2004

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

Absent: Ald. Mansfield

Also present: Ald. Samuelson and Lipof

City officials: Theresa Park (Planning), Michael Baseman (Assistant City Solicitor) Linda Finucane (Chief Committee Clerk), and Daniel Funk (City Solicitor)

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: APPROVED 7-0

NOTE: Dr. Katz recently purchased the historic house at 300 Elliot Street. Its location in an historic district was an attraction for him and his wife. In the course of fixing it up, he became aware of the city involvement in the historic district, and tried to find out how to become involved. He was recruited to serve as an alternate resident member of the Upper Falls Historic District Commission. He has attended several meetings and been impressed with the Commission's dedication to preservation but sensitivity to finding ways to assist property owners to comply with district regulations. He has received a copy of the district guidelines and begun to take the Upper Falls Tour in small pieces that he and his wife can manage with their small children. He was not aware of the existence of the book on the history of Upper Falls, *Makers of the Mold*, by Upper Falls Village Historian, the late Kenneth Newcomb. Alderman Yates will notify him of the web address in writing. (www.Channell.com/users/hemlock/makers) The Committee thanked Dr. Katz for his willingness to serve and voted 7-0 to confirm his appointment.

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: DENIED 7-0 (Mr. Matthews withdrew)

NOTE: Mr. Matthews sent an e-mail turning down the re-appointment. However, since the Mayor has not withdrawn the appointment, Alderman Yates moved denial so as to not leave the

appointment dangling and perhaps even lead to an inadvertent confirmation of an appointee who no longer wishes to serve. The Committee approved the motion 7-0.

Re-appointment by His Honor the Mayor

#23-04 CAROL ANN SHEA, 24 Milo Street, West Newton, 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 7-0

NOTE: Ms. Shea is a former Ward Four Alderman and President of the Board who has been active in many other ways since leaving the Board. She currently serves on the Comprehensive Planning Advisory Committee. A realtor, she has served on the Commission for more than a decade and welcomes the chance to continue. The Committee voted 7-0 to approve her re-appointment.

Appointment by His Honor the Mayor

#17-04 LAUREN MACKLER, 142 Langley Road, Newton Centre, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office expiring December 1, 2006 (60-day Board action 3/5/04).

ACTION: DENIED 7-0 (Ms. Mackler withdrew)

NOTE: Ms. Mackler also has decided not to accept appointment to the EDC (she too declined via e-mail). However, the Mayor has not formally withdrawn her appointment. To avoid any glitches, the Chair moved to deny the appointment. The Committee agreed 7-0

Re-appointment by His Honor the Mayor

#19-04 CHARLES EISENBERG, 4 Ashford Road, Newton Centre, 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 7-0

NOTE: Mr. Eisenberg is one of the earliest members of the Commission. He even served with Alderman Yates. He is in his second period as Chair. He brought the Committee up to date on various Commission matters like their long but ultimately futile interest in the MDC ice rink in Newton Corner. He also stayed to present the Commission's position on several of the following items after the Committee voted 7-0 to approve his re-appointment.

ITEM REFERRED TO ECONOMIC DEVELOPMENT COMMISSION:

#366-95 ALD. YATES proposing the establishment of a "Recycling Market Development Zone."

ACTION: NO ACTION NECESSARY 7-0

NOTE: Alderman Yates had originally proposed adopting this technique used in California and other states to encourage businesses that recycled materials into new products. Since no similar enabling legislation has been proposed in Massachusetts and since the Economic Development Commission does not have bonding authority that could be targeted on such businesses, the item cannot be implemented in its present form. Alderman Yates reluctantly acceded to the current impracticality of what he still believes to be a good idea and moved No Action Necessary. The Committee gratefully agreed 7-0.

ITEM REFERRED TO ECONOMIC DEVELOPMENT COMMISSION:

#367-95 ALD. YATES proposing the establishment of a subzone of the "Foreign Trade Zone of the Port of Boston" within Newton.

ACTION: HELD 7-0

NOTE: This was another of Alderman Yates' unproductive attempts to encourage non-retail uses on Needham Street. A Foreign Trade SubZone would enable manufacturers to process goods for export or import without tariffs. Several have expressed interest but found the application process daunting. The Commission felt that the city acting for such manufacturers could generate additional economic activity in the city; therefore, the Committee agreed that they should do more to make this item a reality and held the item 7-0.

ITEM REFERRED TO ECONOMIC DEVELOPMENT COMMISSION:

#326-99 ALD. YATES proposing amendments to Chapter 30 to encourage railroad related uses in Mixed Use Districts land adjacent to railroad.

ACTION: NO ACTION NECESSARY 7-0

NOTE: This was an attempt by Alderman Yates to encourage economic activity along Needham Street in properties adjacent to the little used but not abandoned Bay Colony Railroad line from Needham that reaches a CSX freight exchange in Millis. The Bay Colony and CSX had both explored ways to encourage more railroad-related uses along their lines. The Devens development has major areas zoned for rail uses. Mr. Eisenberg said that the most common means of hauling freight today is in double-stacked cars and that bridges between Needham Street and the Millis exchange are too low to allow such uses. Alderman Yates moved No Action Necessary. The Committee agreed 7-0.

ITEM REFERRED TO ECONOMIC DEVELOPMENT COMMISSION

#20-03(2) ZONING & PLANNING COMMITTEE requesting the Economic Development Commission to evaluate the economic and housing impacts of the current hotel linkage provision of the Zoning Ordinance and of a possible increase in the percentage from 10% to 15%, while taking into consideration the impacts of different types of hotel use.

ACTION: NO ACTION NECESSARY 7-0

NOTE: This item was filed in the wake of the amendment of the Inclusionary Zoning Ordinance when it was claimed that raising the 10% requirement for hotels to 15% would make the construction of any hotels impossible. Since no hotels had been built at the 10% figure, the facts were unclear, and the EDC was asked to review the financial impact of such a change. Mr. Eisenberg and other members of the Commission with knowledge of the hotel industry had done so. Mr. Eisenberg noted that the hotel industry was still depressed from the impact of 9/11 and that no hotels were likely to join the existing ones. Hotels in fact generate the most tax revenues for the least impact of any major commercial industrial use. The EDC found that the increase from 10% to 15% would make it financially impractical to build a new hotel even in a more positive market. The Committee voted No Action Necessary 7-0.

#46-04 ALD. YATES requesting a report from the *Economic Development Commission* concerning their plan for the redevelopment of Newton Centre.

ACTION: HELD 7-0

NOTE: The EDC feels that Newton Centre is performing below its economic potential and would like to explore possible ways to increase the economic activity of the village, including development of the Triangle. However, as a first step in such an effort, they will hold a series of focus groups to elicit community views on the future of the village. If these groups are against possible increased density, the EDC will not waste more time on the effort. The first focus group will be exclusively for Aldermen and at a time when both current Ward 6 Aldermen can attend. The other groups will be comprised of residents, business owners and others at different times to allow for attendance by all interested parties. The item was held 7-0 until the series of focus groups was completed.

ITEM HELD IN COMMITTEE ON 2/2/04:

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 7-0

NOTE: Some members of the Board had expressed interest as to why the City Solicitor had ruled that Mr. Shadrawy had no conflict of interest despite serving as Counsel for Cornerstone Properties, the owner of the part of the Kessler Woods to be developed. Mr. Funk explained his opinion was based on Mr. Shadrawy's status as a Special City Employee, which has different standards than regular city employees or elected officials. So long as Mr. Shadrawy's client does not seek any permits from the Board on which he serves, there is no conflict. Mr. Shadrawy stated that his client would only seek subdivisions and special permits, not a Comprehensive Permit from the Zoning Board of Appeals. Mr. Funk said that if Cornerstone did come before the Zoning Board of Appeals, Mr. Shadrawy would be in Conflict and would have to act to remove the conflict. Mr. Funk was not sure what action would be necessary in this

speculative situation. The Committee was satisfied with this explanation despite its counterintuitive feel comparing the advice that Aldermen have gotten about potential Conflicts under the different section of the law that applies to them.

The Committee voted 7-0 in a roll call to go into Executive Session to discuss matters related to character and Reputation. The Committee again voted 7-0 in a roll call to come out of Executive Session and reaffirmed its unanimous vote of two weeks ago to confirm Mr. Shadrawry's appointment to the Zoning Board of Appeals. Several letters of support of his nomination were entered into the record. They are attached to this report.

All other items were held without discussion, and the meeting was adjourned at approximately 10:30 PM, after the committee having disposed of 9 items.

Respectfully submitted,

Brian Yates, Chairman

Attachments:
Shadrawry letters