

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

MONDAY, OCTOBER 28, 2002

Present: Ald. Yates (Chair), Lennon, Gentile, Sangiolo, Baker and Lappin

Absent: Ald. Mansfield and Johnson

A PUBLIC HEARING WAS HELD IN CONJUNCTION WITH THE FINANCE COMMITTEE ON FOLLOWING ITEM:

Present from Zoning and Planning: Ald. Yates (Chairman), Ald. Sangiolo, Lennon, Lappin, and Baker, and Gentile

Absent: Ald. Johnson and Mansfield

Present from Finance: Ald. Coletti, Bullwinkle, Gerst, Stewart, Lipof, Ciccone, Schnipper, and Parker

Also present: Ald. Linsky and Merrill

Planning Board members: Roger Wyner (Chairman), Chris Dame, Audrey Cooper, Joyce Moss, Ernest Siciliano, and Joseph DiDuca

#339-02 HIS HONOR THE MAYOR requesting that the 121A Tax Agreement between the City of Newton and the Newton Community Development Foundation (NCDF) be amended for the mixed income housing development on Hamlet Street to provide a temporary reduction in the 121A (in lieu of tax) payments the City receives to allow the NCDF to obtain financing to do over \$2 million dollars in capital improvements at the mixed income development known as The Hamlet located at 27-80 Hamlet Street.

ACTION: **APPROVED 4-0-2 (Sangiolo and Gentile Abstaining)**

NOTE: There was a lengthy discussion regarding this item. There will be a separate report when the item is voted out of the Finance Committee.

APPOINTMENT BY HIS HONOR THE MAYOR

#284-02 ROBERT AMATRUDA, 31 Lucille Place, Newton Highlands, appointed on August 1, 2002 as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office which will expire on July 31, 2005 (60-day Board action date 10/11/02).

ACTION: **NO ACTION NECESSARY 5-0 (Sangiolo Not Voting)**

NOTE: The Committee voted no action necessary as the Board action date has passed. The Mayor has resubmitted the appointment to the Board, which will be discussed at an upcoming meeting.

APPOINTMENT BY HIS HONOR THE MAYOR

#342-02 JACK LEADER, 613 California Street, appointed on September 6, 2002 as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office to expire on September 5, 2005 (90-day Board action date 1/5/03).

ACTION: **APPROVED 5-0 (Gentile Not Voting)**

NOTE: Mr. Leader is a neighbor of Ald Johnson, who suggested that Mr. Leader represent Newtonville. Ald. Yates urged that the Economic Development Commission act on some of the issues that were referred to them by the Zoning Planning Committee. A motion for approval was made, which passed unanimously.

RE-APPOINTMENT BY HIS HONOR THE MAYOR

#369-02 ROBERT CORBETT, 8 Meredith Avenue, Newton Highlands, re-appointed on October 20, 2002 as a member of the ZONING BOARD OF APPEALS for term expiring September, 2005 (60-day Board action date 12/20/02)

ACTION: **APPROVED 5-0 (Gentile Not Voting)**

NOTE: Mr. Corbett is well known to most members of the Committee. He was appointed to the Zoning Board of Appeals in 1964 by Mayor Gibbs and is serving his 38th year. The Committee voted unanimously to reappoint Mr. Corbett to the Zoning Board of Appeals.

RE-APPOINTMENT BY HIS HONOR THE MAYOR

#371-02 HAROLD MEIZLER, ESQ., 54 Sheldon Road, Newton Centre, re-appointed on October 10, 2002 as a member of the ZONING BOARD OF APPEALS for a term expiring September, 2006 (60-day Board action date 12/20/02).

ACTION: **APPROVED 5-0 (Gentile Not Voting)**

NOTE: Mr. Meizler is a long-standing member of Zoning Board of Appeals and well known to committee members who voted unanimously to approve his reappointment.

RE-APPOINTMENT BY HIS HONOR THE MAYOR

#373-02 TRUDY A. ERNST, ESQ., 162 Waban Avenue, Waban, re-appointed on October 10, 2002 as an ASSOCIATE member of the ZONING BOARD OF APPEALS for a term expiring September, 2003 (60-day Board action date 12/20/02).

ACTION: **APPROVED 5-0 (Gentile Not Voting)**

NOTE: Ms. Ernst is frustrated at having to reject applicants because they do not meet the hardship standard of the law even though their minor project causes no detriment to anyone else. She urged the Board to find some way to exempt property owners from needing variances for minor deviations from strict interpretations from the zoning code. The committee took it under advisement and approved Ms. Ernst's reappointment.

#250-01(3) **CONSERVATION COMMISSION** requesting the City accept from *The Newton Terraces LLC* a Conservation Restriction on 1.82 acres of land adjacent to Cypress Street, Newton Centre, pursuant to Special Permit Board Order #250-01.

ACTION: **APPROVED 5-0 (Gentile Not Voting)**

NOTE: The item was presented by Kenneth Krems, Attorney for The Terraces. Basically, this is an implementation of one of the conditions of a Special Permit Board Order. The easement, described in the documents attached to this evening's agenda, will give perpetual rights to city residents to enjoy the pathway. Sally Barnett, neighbor, was present and submitted two questions regarding the path easement (attached). The answer to both questions was yes, therefore, the committee voted to approve exceptance of the easement by the conservation commission, which had approved it previously.

Respectfully submitted,

Ald. Brian Yates, Chairman