

CITY OF NEWTON

IN BOARD OF ALDERMEN

JOINT

ZONING & PLANNING AND PROGRAMS & SERVICES COMMITTEE REPORT

MONDAY, APRIL 9, 2001

Zoning & Planning Committee members present: Ald. Baker (Vice Chairman), Ald. Merrill, Sangiolo, M. Lipof, Johnson, and Gentile; Absent: Ald. Mansfield and Yates

Programs & Services Committee members present: Ald. Parker (Chairman), Ald. Baker, Merrill, Sangiolo, Johnson, Gentile, and Tattenbaum; Absent: Ald. Coletti

Also present: Ald. Basham, Chairman of Land Use Committee

City officials: Ouida Young (Law), Lou Mercuri (Planning), Linda Finucane (Clerk's)

ITEM COMMITTED TO ZAP & RECOMMITTED TO PROG&SERVICES 3/19/01:

#508-98(3) ZONING & PLANNING COMMITTEE recommending that ARTICLE I of the Board of Aldermen Rules and Orders be amended by adding a new subsection to Section 3, Referral of Business to Committees, to reflect the ability of the Board sitting as a special permit granting authority to hire outside consultants pursuant to and in accordance with MGL Chapter 44, §53G.

ACTION: ZONING & PLANNING APPROVED AS AMENDED 5-0-1 (GENTILE ABSTAINING)
PROGRAMS & SERVICES APPROVED AS AMENDED 6-0-1 (GENTILE NOT VOTING)

NOTE: Ms. Young presented her revised draft of the Aldermanic Rules. She elaborated that the principal modification was to have the consultant selected prior to referral of the item by Land Use to the full Board, at a time when all interested Aldermen should attend the committee meeting.

The second modification was to clarify that the need for such experts was not a function of the size of the project but when it was clear that staff expertise was not sufficient in the designated area of expertise.

The third set of modifications were to track either the applicable statute or ordinance in the following respects:

- a) actual fee determined by Director of Planning;

- b) specify minimum professional criteria, e.g. degree in field or three years experience, and
- c) clarify appeal process for developers.

The Acting Chairman raised a drafting question to clarify that the payment would be made to the City, rather than the expert, so it would be clear the expert was hired by and for the City. (The Committee concurred.)

The Chairman of the Programs and Services Committee raised two questions - whether the Programs and Services Committee's draft of the Rule had merit in two respects: requiring an expert incident to recommittal to Land Use by the full Board, or having it passed on early by the full Board, as in the case of an extension of time.

On reflection, the Committee felt it desirable for the reasons, among others, set forth in Ms. Young's memorandum.

Chairman Parker raised an additional question about minimum project size for the fee threshold. Ms. Young said she was concerned that there might even be some small petitions, which required special expertise, e.g. retaining wall engineering to protect downhill neighbors.

The Acting Chairman clarified that the draft intended to cover not only lack of expertise but also lack of enough staff at this point in time.

Ald. Lipof, Johnson, and Chairman Basham endorsed the draft elaborated by the Committee discussion thus far. Ald. Merrill said he favored the item because it gave everyone an option, including when the Planning Department personnel turn over and may not be available. He also said his experience was that the Land Use Committee had not attempted to overburden applicants and ask for unreasonable things.

Ald. Sangiolo requested that the Land Use Committee be required to consult with the Planning Department rather than leave it permissive. The Acting Chairman expressed concern that such a change might make the rule a ground for litigation.

Chairman Parker said there was a possible creating a check-off for the department to create a written record of consultation, though he did not move a specific change to that effect.

Ald. Sangiolo then recommended the text be changed to "confer" as opposed to "consult", with which Chairman Basham and members of the various committees concurred.

Chairman Parker expressed concern that there be as much clear notice as possible for applicants. Chairman Basham said some parallel initiatives were underway independent of this one. Ald. Johnson said she agreed that is a benefit to notice to affected citizens of what is expected.

Ald. M. Lipof moved approval of the amended draft in Zoning and Planning and Ald. Sangiolo moved approval in Programs and Services, which carried 5-0-1 and 6-0-1, with Ald. Gentile abstaining, in the respective Committees.

REFERRED TO ZONING & PLANNING & PROG & SERVICES COMMITTEES

#196-98(3) HIS HONOR THE MAYOR requesting that the Board re-vote the Home Rule Legislation, previously approved by the Board on 10/19/98, which authorizes greater flexibility in the implementation of ticketing for zoning violations.

ACTION: ZONING & PLANNING APPROVED 5-0-1 (GENTILE ABSTAINING)
PROGRAMS & SERVICES APPROVED 6-0-1 (GENTILE ABSTAINING)

NOTE: This is a revote of a previously approved home rule petition, as the Board has done in the past

ITEMS IN ZONING AND PLANNING:

Appointment by His Honor the Mayor

77-01 SUSAN LUNIN, 22 Shaw Street, West Newton, appointed to the CONSERVATION COMMISSION for a three-year term beginning May 1, 2001 and ending May 1, 2004 (60-day Board action date 5/4/01)

ACTION: APPROVED 6-0

NOTE: Ms. Lunin outlined her background (resume attached), for which Ald. Lipof commended her. He also recalled an item in Ward 8 where the Commission took an important stand to protect the local brook. An advisory member, she will fill the position being vacated by longtime member and current Chairman Richard Staley, who is stepping down.

Ald. Sangiolo expressed hope that the Conservation Commission provides as much time as possible to help Ms. Horn. She also discussed the possibility of some extra meetings to work on important issues. Ald. Johnson raised concerns about whether the Conservation Commission looks at the big picture.

Ald. Lipof moved approval of Ms. Lunin's appointment and the reappointment of Mr. Wallach and Mr. Matthews.

The Committee also passed a resolution, #77-01(2), commending Mr. Richard Staley for his services as Chairman.

Re-appointment by His Honor the Mayor

91-01 ROGER MATTHEWS, 44 Concolor Avenue, re-appointed as a member of the CONSERVATION COMMISSION for a three-year term of office effective May 1, 2001 for a term to expire on April 30,2004 (60-day Board action date 5/18/01).

ACTION: APPROVED 5-0-1 (SANGIOLO ABSTAINING)

Re-appointment by His Honor the Mayor

92-01 IRA WALLACH, 5 Broken Tree Road, Newton Centre, re-appointed as a member of the CONSERVATION COMMISSION for a three-year term of office effective May 1, 2001 for a term to expire on April 30, 2004 (60-day Board action date 5/18/01).

ACTION: APPROVED 5-0-1 (SANGIOLO ABSTAINING)

NOTE: Both of these items are reappointments of current members well known to members of the Committee

All other items were held without discussion. The meeting was adjourned at approximately 9:00 PM.

Respectfully submitted,

Ald. Lisle Baker, Acting Chairman