

## Danielle Delaney

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**From:** Andreae Downs  
**Sent:** Tuesday, May 30, 2023 3:56 PM  
**To:** Jeremy Freudberg  
**Cc:** David Koses; Christopher J. Markiewicz; Alicia Bowman  
**Subject:** Re: PS&T June 7  
**Attachments:** guidelines followed for appeal.docx

sorry—I forgot to attach the ordinance and council rules that apply

Andreae Downs  
Newton City Council

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**From:** Andreae Downs <adowns@newtonma.gov>  
**Sent:** Tuesday, May 30, 2023 3:39 PM  
**To:** Jeremy Freudberg <jeremyfreudberg@gmail.com>  
**Cc:** David Koses <dkoses@newtonma.gov>; Christopher J. Markiewicz <cmarkiewicz@newtonma.gov>; Alicia Bowman <abowman@newtonma.gov>  
**Subject:** Re: PS&T June 7

Dear Jeremy:

I appreciate that you are concerned about the stop sign appeal item scheduled for June 7. Know that normally, appeals are heard at the next PS&T meeting after the appeal is filed. Since May is full of budget hearings, June 7 was the next regular PS&T meeting. I do not usually coordinate committee meetings with appellants.

Upon consultation with staff and colleagues, I decided to keep the mailing list to the original notification list, per city practice.

The city does not have records for renters, only owners, of residential properties. You are welcome to notify any additional neighbors, if you wish.

PS&T has yet to schedule a hybrid or in-person meeting since the pandemic shut down. I am open to revisiting that, however, the members of the committee have yet to express interest in a hybrid format. In my now somewhat extensive experience of hybrid meetings, they are not optimal for the remote audience—although better than not being able to participate at all.

I hope this answers your questions.

Andreae Downs  
Newton City Council,  
Chair, PS&T

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**From:** Jeremy Freudberg <jeremyfreudberg@gmail.com>  
**Sent:** Friday, May 26, 2023 1:35 PM  
**To:** Danielle Delaney <ddelaney@newtonma.gov>; Andreae Downs <adowns@newtonma.gov>

**PER CITY ORDINANCE**

**Updated 03/26/2020**

**Sec. 19-33. Role of city council; appeals from Traffic Council.**

(a) The city council may establish policies and standards regarding traffic and parking matters for particular locations, and periodically review and revise such policies and standards, to be used as guidelines by the traffic council.

(b) Following the traffic council's adoption, amendment or repeal of a regulation pursuant to said council's authority under section 19-26(a), an appeal may be taken to the city council in accordance with the procedures set out in section 19-34. The clerk of the city council shall send or deliver notice of hearing on appeal to all persons notified of the original traffic council hearing and to such other persons as the city council may determine.

(c) Upon the filing of an appeal relative to the traffic council's adoption, amendment or repeal of a regulation, the status quo shall be maintained pending final outcome of the appeal. Upon the receipt of such an appeal petition, the clerk of the city council shall treat the appeal as a new item for the city council and place it on the city council's docket.

(d) The city council's decision of such an appeal may adopt, amend, or repeal regulations concerning the geographic area that was the subject of the petition initially filed with the traffic council, or may remand the matter to the traffic council for further review.

**Sec. 19-34. Procedures for filing appeals**

(a) An appeal shall be filed with the clerk of the city council by filing a petition meeting the requirements of this section within twenty (20) days of the traffic council's adoption, amendment or repeal of a regulation pursuant to its authority under section 19-26(a).

(b) No appeal may be filed unless the following signature requirements are met:

(1) In the case of an appeal from a petition filed under Sections 19-28 c), d) or e), the owner/tenant signature requirements for filing the original petition are met;

(2) In the case of an appeal from a petition filed under Section 19-28 f), the signature of any petitioner(s), provided that members of the traffic council may not file an appeal.

(3) In the case of an appeal from a petition filed under Section 19-28 f) where any petitioner(s) does not appeal, an appeal may be taken by (1) any city councilor, or (2) by an interested party provided the same owner/tenant signature requirements to initiate a petition under Sections 19-28 c), d) or e) are met. (Ord. No. Z-12, 12-03-07)

**PER CITY COUNCIL RULES AND ORDERS 2022-2023**

**Section 5. Committee procedure.**

**G.** A committee is encouraged to follow the following procedure for hearing appeals of Traffic Council decisions:

- (1) Notification of abutters/interested parties by the Clerk should include, at a minimum, the notification list utilized for the original Traffic Council hearing. The Committee Chair may request the Clerk provide additional notification at his/her discretion;
- (2) The Traffic Council report(s) and any correspondence received since the appeal was filed should be attached to the Committee's agenda;
- (3) A Traffic Council member who voted in favor on the original petition should begin the hearing with a presentation summarizing the original petition and the corresponding Traffic Council decision that was appealed;
- (4) The Committee Chair should provide an opportunity for comment by the appellant. The Chair, at his or her discretion, may provide opportunity for additional public comment and shall limit or close the meeting to public comments at any time at his/her discretion;
- (5) The committee shall discuss the appeal among Councilors and City staff only;
- (6) The committee will then take a vote and if acted upon, the item is referred to the full Council;
- (7) The full City Council votes, and may uphold the Traffic Council decision, or according to Ordinance §19-33(d) "...may order the traffic council to adopt, amend, or repeal regulations concerning the geographic area that was the subject of the petition initially filed with the traffic council, or may remand the matter to the traffic council for further review; and
- (8) If the appeal item is held in committee, notification and public comment at subsequent meetings shall be undertaken at the Committee's Chair's discretion."