

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, MAY 18, 2005

Present: Ald. Schnipper (Chairman), Salvucci, Stewart, Yates, Mansfield and Lappin

Absent: Ald. Gerst and Albright

Also present: Ald. Johnson

City personnel: Lou Taverna (City Engineer) and Shawna Sullivan (Committee Clerk)

Public Hearing

#153-05 VERIZON NEW ENGLAND, INC. petitioning for a grant of location to install a pole on AMHERST ROAD on the northerly side 60' \pm easterly from existing Pole #826-4.

ACTION: **HELD 6-0**

NOTE: Gary Savignano, Verizon Rights of Way Manager, presented the petition to the Committee. The new pole is necessary to correct a situation where wires are crossing over 31 Amherst Road to service 27 Amherst Road. The Commissioner of Public Works and the City Engineer recommend that the pole be located 4' west towards Chestnut Street to alleviate encroachment on driveway.

The public hearing was opened and Mr. Hantman, 31 Amherst Road, spoke on the petition. The petition was initiated because of his concerns that the wires crossing his property may come down in his yard or driveway creating a safety hazard. He also stated that if the pole were moved any further west than Verizon has proposed the pole would be in his driveway. Mr. Hantman suggested placing the pole across the street where there is no driveway access and it would not be in the front of any house or moving the pole further down in front of 27 Amherst Road. Mr. Savignano explained that the most efficient way to correct the problem is to have the pole on the same side of the street but the pole could be placed a little further east in front of 27 Amherst Road. Mr. Savignano pointed out that the resident of 27 Amherst Road may not want a pole right in front of his house.

The Chairman stated that the plan provided by Verizon is not acceptable. The plan does not provide enough information to make a decision. She would like a better drawing with a depiction of the wires and what they will be going over before there is favorable action on the petition. Ald. Mansfield stated he would like to hear from the property owner at 27 Amherst Road before making a decision on the petition. Ald. Yates moved hold on the item, which carried unanimously.

Public Hearing

#142-05 BOSTON EDISON d/b/a NSTAR ELECTRIC requesting a grant of location to relocate Pole 52/3 located 160' north of Washington Street on the northerly side of COURT STREET approximately 16' north of Washington Street.

ACTION: **HELD 6-0**

NOTE: The representative from NStar was not present due to the ongoing strike. However, the Committee opted to hold the public hearing, as there were people present to speak on the petition.

The public hearing was opened and Patrice Simonelli and Daniel Simonelli, 25 Court Street, spoke on the item. They are concerned that the site of the proposed relocation of the pole is right in the middle of an easement. Ms. Simonelli stated that there is a piece of property located behind 25 Court Street and the easement is the only direct access to that property. Placing the pole in the easement is a violation of the property rights and it creates a safety issue, as a fire engine will not be able to get to the rear property. Mr. Simonelli reiterated the concern that the rear property will be inaccessible.

Ald. Johnson joined the Committee and explained that a new pole was installed in front of 21 Court Street 8' from the old pole pursuant to the special permit site plan, as approved by the Board of Aldermen on June 3, 2002 (attached) and the grant of location given on November 3, 2003 (Public Facilities Report attached). NStar moved its wires but Verizon could not without substantial alterations to their infrastructure. The cost of the alterations would be charged to the special permit holder by Verizon. The petition is to move the pole back to within 18" of its original placement, in order to resolve the problem. Ald. Johnson was disappointed that the developer or his attorney and NStar were not present for the discussion. Phyllis Arcese, 21 Court Street, stated her support of the new pole location, as the pole is directly in front of her house.

Ald. Yates and Mansfield pointed out that if there is a special permit condition stating where the pole is to be placed the special permit will need to be amended. Ald. Schnipper stated that the item would need to be held for clarification on the special permit, a review of correspondences between the developer, attorney, NStar and residents (attached) and a determination from the Engineering Division on the best spot for the pole. Ald. Mansfield stated that the plan provided by NStar does not show anything and he would like a better plan.

The Chairman decided to keep the public hearing open and the motion to hold the item was approved unanimously.

Respectfully submitted,

Sydra Schnipper, Chairman