

CITY OF NEWTON

IN BOARD ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY, APRIL 28, 2008

Present: Ald. Yates (Chairman), Ald. Yates, Lappin, Baker, Danberg, Swiston, and Linsky; absent: Ald. Ciccone and Harney; also present: Ald. Parker
City staff: Mauyra Sullivan (Telecommunications Specialist/Planner) Michael Kruse (Director of Planning), Eileen McGettigan (Assistant City Solicitor), Linda Finucane (Clerk)

#346-07 HIS HONOR THE MAYOR proposing that §30-18A(d), *Wireless Communication Equipment Allowed As-of-Right.*, be amended by adding a new subparagraph (8) to require a public hearing and board of aldermen approval for wireless communication equipment (WiFi) utilized by the city for its communications systems. **Hearing closed 2/25/08; 90 days: 5/25/08**

(A) a new (8), provision for automated water meter reading

(B) a new (g) review procedure for wireless mesh networks

ACTION: APPROVED 5-0-1 (Lappin abstaining) Draft Ordinance attached.

NOTE: Alderman Baker had concerns that the very simple version of the item originally heard would allow virtually anything by right. Alderman Yates had asked that a full text answering the questions raised at the public hearing on February 25 and the last working session on January 28 be developed showing the existing text and how the proposed amendments would change it. Alderman Baker worked with the Planning and Law Departments to fashion a text that would meet these concerns. The expanded version of the item added definitions of two terms. AMR (automated water meter reading) and Wireless Mesh Network and then fit them in to the existing telecommunications ordinance. One amendment excluded these terms from the control of historic district Commissions, but Alderman Yates pointed out that GL chapter 40C, which authorizes the creation of Historic Districts by local ordinance, requires review of proposed amendment by the commissions. Alderman Baker's discussion with the Chair of the Chestnut Hill Historic District Commission did not seem to meet this requirement, it was ultimately agreed to separate out the exclusion as a separate docket item, refer it to the four district commissions for input, after which the Committee will act on the separate amendment. .

The AMR (automated water meter reading) would allow the new city water meters and similar initiatives to function. After some brief discussion, this part of the item was accepted. Six to ten backhuls will need to be placed on city buildings to receive transmitted data. The backhuls will require a special permit(s). Alderman Lappin went on record as adamantly opposed to the installation of any equipment at Angino Farm.

The mesh network was more problematic, but after extensive discussion, the Committee agreed to accept the proposed text with some technical amendments, e.g., notification relative to system changes after approval and a copy of abutter notification by the petitioner to the clerk of the board. The Committee voted 5-0-1, with Alderman Lappin abstaining, to accept both parts of item, separated into (A), the AMR and (B) the Wireless Mesh Network. The Committee docketed the exclusion from historic district review as #346-07(2).

#248-07 ALD. YATES proposing to amend the “demolition delay ordinance” to exclude from review the partial demolition of architectural features not visible from a public or private way or a public park or open space.

ACTION: HELD

#247-07 ALD. YATES proposing to amend the ”demolition delay ordinance” to assign demolition delay review for properties in the same zip code as a local historic district to the district commission that oversees that district.
[8-7-07 @2:05 PM]

ACTION: HELD

NOTE: Alderman Yates asked Mr. Kruse if he could provide any information on the number of demolition delay items that are from the same village as historic districts. Mr. Kruse did not think there were many, and that the number of demolition delays coming before the Historical Commission had dropped to a large degree because of its administration and the recent changes in legislation just passed by the Board. There seemed no useful purposed in transferring jurisdiction over this handful of items to the district commissions. Alderman Baker said that the gain in knowledge of a village could be offset by the different standards of demolition delay. Mr. Kruse also said that some commission members might object to loosing any of their remaining review authority. Alderman Yates agreed to discuss No Action Necessary at the next meeting on these items, provided that other related Historic Commission items would also be considered for No Action Necessary.

#9-05 PRESIDENT BAKER & YATES reporting on proposed Massachusetts Land Use Reform Act and discussion of possible aldermanic endorsement.

ACTION: HELD

NOTE: Alderman Baker reported that the Land Use Reform Act that would remove many of the grandfather clauses that in a manner unique to Massachusetts allow property owners to freeze existing zoning on their properties and thus undercut local efforts to control growth has somehow transformed into the Community Planning Act which would allow communities to remove such provisions by granting property owners increased densities and less stringent restrictions. Alderman Baker represents the Mass Municipal Association on the working group convened by Greg Bileaki, Assistant Secretary of the Executive Office of Economic Affairs and with several members who are Newton residents.

Respectfully submitted,
Brian Yates, Chairman