

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE REPORT

MONDAY, MAY 12, 2008

Present: Ald. Yates (Chairman), Ald. Baker, Lappin, Danberg, Linsky, Harney, and Swiston; absent: Ald. Ciccone; also present: Ald. Fischman
City staff: Michael Kruse (Director of Planning & Development), Marie Lawlor (Assistant City Solicitor), Linda Finucane (Chief Committee Clerk)

Appointment by His Honor the Mayor

#169-08 KEITH CRAIG, 274 Grove Street, Auburndale, appointed to the
PLANNING & DEVELOPMENT BOARD for a term to expire February

ACTION: APPROVED 7-0

NOTE: Mr. Craig's resume detailing his education, which includes a Master's degree in Planning, and his experience including time with private firms and the Boston Redevelopment Authority where he worked with Alderman Fischman, was attached to the agenda. He was present to explain that he had moved to Newton several years ago before he joined the Newton-based firm Northland Investment. He had approached Mayor Cohen about possibly joining the Zoning Board of Appeals. Because no ZBA slots were open, the Mayor instead appointed him to the Planning and Development Board, for which his background clearly qualifies him. Alderman Fischman highly endorsed Mr. Craig both as a former colleague at the BRA and a competitor in private planning. The Committee supported his appointment unanimously.

Item (A) recommitted by Full Board 5/5/08:

#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 was

Approved 5-0-1 (Lappin abstaining) on 4/28/08

ACTION: APPROVED AS AMENDED 7-0

NOTE: Some Committee members felt that it would be helpful if Aldermen were given notification of the proposed locations of the whip antennas to be installed in their Wards beforehand so that a mistaken location could be altered as soon as possible. With an amendment requiring notice to the clerk of the board of aldermen, who would notify the relevant Aldermen before a system is installed, the Committee voted unanimously to approve the item as amended. A draft ordinance is attached.

*Item (B) held in committee on 5/5/08***(B) a new (g) review procedure for wireless mesh networks was approved 5-0-1 (Lappin abstaining) on 4/28/08**

ACTION: APPROVED AS AMENDED 7-0

NOTE: The Committee began by reviewing the letter from Mr. Carp (attached) withdrawing Galaxy from consideration as a wireless mesh network provider in Newton. The Committee was astonished at Mr. Carp's action, which seemed to be based on a misunderstanding of the provisions of the ordinance as drafted by the Planning and Law Departments for the previous Committee meeting based on the Committee's instructions at the meeting before that. It appeared that Mr. Carp read into the provisions the strictest interpretation. The Committee decided that it would consider the further amendments developed by the Planning Director in response to Mr. Carp's concerns. The Committee felt that the Mr. Carp's reaction could at least give input on ambiguous sections of the ordinance. If Committee members agreed that provisions were necessary to protect the city financially and aesthetically then it could adopt them to guide any future RFP process. Reviewing the amended draft ordinance, the Committee accepted most of the suggested changes from Mr. Kruse, for instance routine or emergency maintenance of the network should not require review by the Director of Planning & Development. If a person's service was out on a Saturday, would she have to wait until Monday? Drawings" replaced "architectural representations" to clarify that the applicant would not have to hire a registered architect. "The words "bracket arm" more specifically identify the point of attachment to the light pole. Color and finish replace camouflage to limit visual obtrusiveness of the equipment. The only change the Committee did not agree to and with which Mr. Kruse concurred was to increase the maximum size of any; dimension for the access point equipment box from 14" to 18".

The Committee voted unanimously to approve the item as amended with the hope and expectation that the item would be feasible for future bidders.

#41-07 ALD. LAPPIN & BURG proposing an amendment to §30-20 to allow through an administrative process temporary sign(s) for special events such as the opening of a new business. **Hearing closed 2/25/08; 90 days: 5/25/08**

ACTION: APPROVED 7-0 (Draft Ordinance attached)

NOTE: The Committee went through this item exhaustively trying to anticipate and prevent any possible abuses. Alderman Lappin explained that this proposal resulted from the opening of Macy's in the Chestnut Hill Shopping Center, when Macy's called to ask if it could have a large balloon to celebrate its opening and Alderman Lappin discovered that although the ordinance provides for temporary signs for non-profits, there was no mechanism to allow this type of promotional sign. At the public hearing, Commissioner Lojek noted that other communities have similar provisions. The Committee agreed that the possibility of abuse seemed so remote that the item passed with only the removal of "In particular instances...." in the first sentence. The Committee approved the item 7-0, including the civil fine for violation of the relevant sign provision of the ordinance.

#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: NO ACTION NECESSARY 7-0

#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: NO ACTION NECESSARY 7-0

NOTE: Alderman Yates had introduced these as possible ways of reducing the number of demolition delays before the Historical Commission. The recent ordinance changes and other factors have already reduced the number, he felt comfortable moving No Action Necessary on both items. The Committee agreed unanimously.

Re-appointment by His Honor the Mayor

#170-08 MARK CHUDY, 34 Prescott Street, Newtonville, re-appointed as an *alternate member* of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term of office to expire January 1, 2011 (60 days: 7/4/08). [04-29-08 @10:32 AM]

ACTION: APPROVED 7-0

NOTE: Mr. Chudy is an electrical engineer who serves in that capacity on the Design Review Committee. His re-appointment to the Historic District Commission is in his role as a resident of the District. The Committee voted unanimously to support his re-appointment.

Re-appointment by His Honor the Mayor

#171-08 F. GERARD ADAMS, 39 Stafford Road, Newton Centre, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office to expire April 30, 2011 (60 days: 7/4/08). [04-29-08 @10:32 AM]

ACTION: APPROVED 7-0

NOTE: See below.

Re-appointment by His Honor the Mayor

#172-08 PETER KAI JUNG LEW, 61 West Pine Street, Auburndale, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term of office to expire April 30, 2011 (60 days: 7/4/08). [04-29-08 @10:32 AM]

ACTION: APPROVED 7-0

NOTE: Resumes for both re-appointees were attached to the agenda. Alderman Danberg has worked with both of these EDC members on the Newton Centre Task Force. She finds them both extremely valuable members and recommended approval of the re-appointments to the EDC. The Committee agreed unanimously.

All other items were held without discussion, and the meeting was adjourned at approximately 9:30 PM.

Respectfully submitted,

Brian Yates, Chairman