



# Memorandum

To: City Council  
From: Chair of Zoning & Planning Committee  
Re: Zoning Redesign  
Date: September 9, 2020

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Dear Colleagues,

I write to slightly adjust the process moving forward on Zoning Redesign from what I outlined in the August 21 memo I sent to you.

In that memo I asked if between now and our next ZAP meeting on September 14, particularly committee members, would organize any questions you may have about the details of the draft Article 3, and try to schedule time to talk with Mr. LeMel individually in advance of our next meeting. I further said that this would help Mr. LeMel to structure the content of our next several meetings by focusing on addressing those questions and whatever analyses or data you may ask to see. I said that given that our August meeting left so many unanswered questions, mostly expressed as “but the devil is in the details” - that there would not be time for staff to organize another meeting for August.

Councilors Baker and Laredo formally questioned the Law department as to whether such individual meetings might constitute a violation of the Open Meeting Law. The Law department answered ‘No’. What they termed “structured briefings” for the purposes of educating on an issue, when presented to a sub quorum of any committee, do not of themselves constitute a violation, just as any one of us always has the ability to call and discuss matters before Council with staff. Councilors routinely do this.

However, as we know, “serial conversations” on an issue outside a public forum is not allowed under OML.

If information/ opinions shared in a “structured briefing” were to be repeated to other Councilors in other than a public meeting, that would risk a violation.

To make sure there is no chance of this happening, and to air all of our questions in an organized way in the sunshine - we can achieve the same result by adopting the process that we use in many other committees, particularly land use, by submitting our questions to staff, and asking staff to sort and answer those questions in a public forum and/or in writing.

Please submit your questions, comments and requests for information regarding the DRAFT of Article 3 -in writing - to Zachery/ the Planning department and cc Clerk Giacalone.

Please use the memo that begins to define a 'decision tree' (attached below again) to organize your questions.

(Link to August 11 Planning Memo Here:

<http://www.newtonma.gov/civicax/filebank/documents/105567/08-11-20%20Planning%20Memo%20#88-20.pdf>)

Please try to do this before next week.

And of course - if you need to speak with Zachery to clarify anything - as always, feel free to do so.

All my best,  
Deb