

**TOWN COUNCIL MINUTES  
ORDINANCE COMMITTEE  
Town Hall Council Chambers  
April 17, 2007**

Present: Sue Kay, Chairperson  
Michael Smart  
Arthur E. Mathews  
Greg Shanahan  
Kevin Whitaker

Also Present: James Clarke, Director of Planning & Community Development  
Kenneth J. DiFazio, Councilor  
Thomas J. Lacey, Councilor  
George Lane, Solicitor  
Paul J. Leary, Councilor

Recording Secretary: Janet Murray

Chairman Kay called the Ordinance Committee Meeting to order at 6:05pm.

**07 024-Rezoning Request-1132 and 1136 Middle Street**

Councilor Mathews stated that there is a public hearing with the Planning Board this evening. He suggested that the committee refrain from taking any action until after the public hearing.

**07 026-Rezoning Request-DF Haviland/King**

Councilor Lacey stated that there is a business on King Ave, ElectroSwitch, which is zoned I-2. There is a subdivision behind ElectroSwitch off of King Ave. He noted that this is a residential neighborhood. There is a clutch business in the neighborhood. He stated that it is his opinion that this rezoning should have been done at the time of the subdivision under the subdivision bylaws. However, since that was not done, he believes that it should be done at this time.

Councilor Mathews asked if there are any proposals currently submitted to the town regarding usage on the land to be rezoned.

Mr. Clarke stated that the only item that has been submitted is a Form A plan. The house on D.F. Haviland Drive would be subdivided.

Councilor Mathews stated that there is a concern regarding spot zoning. A lawyer for the property owner has submitted a letter stating that this measure is an attempt to reverse spot zoning.

Councilor Lacey stated that he would like to see zoning throughout the town reviewed.

Councilor Mathews made a MOTION to request Solicitor Lane to review the issue of spot zoning and was seconded by Councilor Smart.

Councilor Lacey noted that this evening's public hearing is a joint meeting with the Planning Board. He stated that once the public hearing is closed, the matter will go back to the Planning Board for their decision. Their decision will then be forwarded back to the Council.

Councilor Mathews WITHDREW his motion.

**07 027-Rezoning Request-Cypress Street**

The proponent of this rezoning change was not present.

Councilor Smart noted that Cypress Street is located off Route 18. The request is to sell the parcel to Dr. McConville to be used for parking next to his office at 745 Main Street.

Councilor Leary stated that his name was referenced in a letter. He stated that he is not involved and has not been involved in this request.

**06 125-Utility Applications/Petitions Proposed Changes**

Solicitor Lane stated that there was communication sent to the utility companies involved. He noted that National Grid suggested that rather than a mandatory notification by the utility company -there be a payment to the town in lieu of this notification.

Solicitor Lane stated that Verizon has been contacted with a similar request. Their office is in New Jersey and he is waiting for a response. He stated that he will report back to the Council.

**06 126-Utility Pole Removal Proposed Ordinance**

Councilor Kay stated that the fire department has almost completed the removal of fire alarm boxes from the utility poles. Once this has been completed, letters will be sent to the utilities to take care of the double poles.

Councilor Mathews stated that he would like to have the Fire Chief appear before the committee once all the fire alarm boxes are removed.

Councilor Whitaker stated that he is especially concerned regarding the double poles that are connected with 2 x 4's.

Councilor Smart made a MOTION to send a letter to the utilities informing them of the progress and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

**07 004-Proposed Ordinance Amendment to Section 13-105-Buses**

Councilor Kay noted that Councilor DiFazio is the proponent of this ordinance.

Solicitor Lane stated that he has suggested that this be done in concert with Sergeant Concannon.

Ordinance Committee – April 17, 2007

Councilor Mathews asked if this would require a public hearing. Solicitor Lane stated that one is needed. It was agreed to wait until after the public hearing to take action on this item.

Councilor Mathews asked that Sergeant Concannon be requested to be present at the public hearing.

At 6:30pm, there being no further business, A MOTION was made by Councilor Mathews to ADJOURN and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

Approved by: \_\_\_\_\_  
Sue Kay, Chairperson