

**TOWN COUNCIL MINUTES
ORDINANCE COMMITTEE
Town Hall Council Chambers
May 23, 2007**

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

Not Present: Kevin Whitaker

Recording Secretary: Janet Murray

Chairperson Kay called the Ordinance Committee Meeting to order at 6:30pm.

06 126-Utility Pole Removal Proposed Ordinance

Councilor Kay stated that this ordinance was referred on 7/25/06. She noted that there have been a number of meetings since then. This issue is in regards to double poles. The Fire Department has noted that there are approximately 67 poles left to have boxes removed. The average number removed was at 2-6 per weeks; however, the bucket truck has broken down. Additional double poles will not be removed until 8/1/07.

There are a number of utilities which will also need to be changed over prior to removing the double poles:

- Mass Electric
- Fire Dept.
- Town fiber optics wiring (interconnect) is being changed over when the Fire Department is moving the boxes. Work is being done in conjunction with the Route 18 widening and is funded by the State. There may be some work to be done that the town will have to pay for.
- Comcast
- Verizon

Councilor Kay stated that she would like to see the end of double poles all together.

Councilor Shanahan stated that he would like to see the Committee send a letter to the utility companies reminding them of their responsibility toward getting this goal met.

Councilor Smart made a MOTION to send a letter to said utility companies, and was seconded by Councilor Shanahan.

Councilor Mathews suggested that the letter be drafted in a positive manner, acknowledging that the town has a role in the process.

The MOTION was UNANIMOUSLY VOTED.

07 024-Rezoning Request-1132 and 1136 Middle Street

Councilor Kay stated that this item was referred to the committee on 3/5/07 and the committee met on 3/19/07. A joint public hearing with the Planning Board was held 4/17/07. She noted that on 5/15/07 the Planning Board forwarded a recommendation to the Council for no action. She noted that the Planning Board recommended a comprehensive study of this issue along the Route 18 corridor within the next 3-4 months.

James Clarke stated that it was appropriate to look at all the affected properties in order to take a more comprehensive approach.

Mr. Clarke noted that it is his understanding that other property owners had inquired about the effects on their property. He stated that although the town and Planning Department can take any action deemed appropriate, he would rather see a precedent set for this particular situation.

Councilor Mathews questioned if the issue of a study had come up previously. He noted that the proponents have been working at this process for some time now.

Mr. Clarke noted that the decision for a study was made recently.

Mr. Hurley stated that Board members discussed voting on individual requests, but decided that taking a more comprehensive approach would be appropriate.

Councilor Smart noted that he travels Route 18 frequently. He suggested that the proponents were diligent and prompt in coming in for the zoning change. He stated that he is in favor of the proposed zoning change. He stated that he thinks that the proponents may have understated the amount of destruction taking place on their property and the affect it will have on their quality of life.

Councilor Kay stated that although it makes sense to take a comprehensive approach, the proponent has done all that was asked of them, and it is her opinion that it is appropriate to initiate this vote now.

A MOTION was made by Councilor Mathews to recommend FAVORABLE ACTION to the full Town Council on item number 07 024 and was seconded by Councilor Shanahan and UNANIMOUSLY VOTED.

07 026-Rezoning Request-DF Haviland/King

Councilor Kay noted that this item was referred on 3/19/07. A joint public hearing with the Planning Board was held on 4/17, and the Planning Board forwarded its recommendation for favorable action to the Council.

Councilor Smart asked if Solicitor Lane had had the opportunity to meet with the affected property owners and their attorney. Solicitor Lane was not present this evening.

Councilor Shanahan expressed concern regarding taking a vote this evening without hearing from Solicitor Lane regarding potential litigation as a result of this matter.

Councilor Kay read from correspondence written by Solicitor Lane stating that it was his opinion that the town could proceed with a recommendation based on his research.

A MOTION was made by Councilor Smart to CONTINUE item number 07 026 (pending further discussion with Solicitor Lane) and was seconded by Councilor Shanahan and UNANIMOUSLY VOTED.

07 027-Rezoning Request-Cypress Street

Councilor Kay stated that this item was referred on 3/19/07. The committee met on 4/17/07 and a joint public hearing with the Planning Board was held on 4/17/07. The Planning Board met on 5/15/07 and sent a recommendation for no action to the Town Council.

A MOTION was made by Councilor Mathews to take NO ACTION on item number 07 027 and was seconded by Councilor Shanahan and was UNANIMOUSLY VOTED.

07 062-Rezoning Measures and Public Notice

This item was submitted by Councilor DiFazio; however, he was not available to be present this evening.

Councilor Mathews stated that he would like to have discussions with Councilor DiFazio regarding his intentions on placement of this issue-regulation or ordinance.

This measure would add a requirement to send public notice to residents of neighborhoods where rezoning is requested.

Mr. Clarke stated that the Planning Department will look at this issue and report back.

A MOTION was made by Councilor Mathews to CONTINUE this item and was seconded by Councilor Shanahan and UNANIMOUSLY VOTED.

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

Councilor Kay stated that this is an added item to this evening's meeting. She stated that the item was referred on 5/7/07. A public hearing will be held on 6/4/07. She noted that Sergeant Concannon will be present to discuss this issue.

Councilor Kay stated that she thinks the proposed ordinance is acceptable the way it is written. She noted that Solicitor Lane has reviewed this ordinance and it complies with Massachusetts General Laws and the town's ordinances.

Ordinance Committee – May 23, 2007

Councilor Smart requested that the final draft of the proposed ordinance be forwarded to Sergeant Concannon.

Councilor Shanahan agreed that this issue needs to be addressed.

A MOTION was made by Councilor Shanahan to recommend FAVORABLE ACTION to the full Town Council on item number 07 044 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

At 7:10 pm, there being no further business, A MOTION was made by Councilor Mathews to ADJOURN and was seconded by Councilor Shanahan and UNANIMOUSLY VOTED.

Approved by: _____
Sue Kay, Chairperson