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February 12, 2008

REPORT OF THE COMMITTEE
ON LEGISLATIVE MATTERS

The Committee on Legislative Matters convened on February 12, 2008 with Chairman Thomas Taylor presiding and Committee Members Aldermen Rebekah Gewirtz and Dennis Sullivan also present and voting. Also present were Alderman Maryann Heuston, City Solicitor John Gannon, James Kotzuba and Lawrence Murphy from Traffic and Parking and Madeline Masters from SPCD.

184792 – Role of Planning Board as SP Granting Authority:

Ms. Masters explained the procedure for dealing with special permit applications and told the members that the Planning Board can make decisions for specific requests for relief, e.g. parking, landscaping, screening and loading, in accordance with the proposal, to streamline the special permitting process. Other than that, the Planning Board may only make recommendations. This amendment (item # 184478) would clarify the Planning Board's role as Special Permit Granting Authority in a Planned Unit Development. Action by the Board of Aldermen is being sought before the time limit deadline of February 27th. Alderman Gewirtz asked Ms. Lamboy to provide 3 or 4 examples of how this amendment would be beneficial. Alderman Heuston wanted assurances that notice requirements and neighborhood concerns are being thoroughly addressed. Chairman Taylor noted that the actual amendment (item # 184478) is not before the Legislative Matters Committee, but is awaiting action by the Committee on Land Use.

184876 – Denial of permit applications:

Mr. Gannon told the members that the city cannot enforce this proposal because of the way the statute is worded, using the word "may" rather than "shall". Mr. Gannon explained that the only way to change the language would be through a Home Rule Petition.

184647 – Role of PCO's in snow ticketing:

Mr. Kotzuba stated that representatives from the Health Department should be present to address this matter, as well, and he explained that the role of the Traffic and Parking Department during a snow event is to enforce the regulations pertaining to a snow emergency, with the primary objective being to issue tickets for parking violations. He further stated that he is not opposed to snow shoveling/icing ticketing, but stated that he does not want this to impede the department's primary role. Alderman Sullivan suggested that

PCO's might be encouraged to report to the appropriate departments, other obvious code violations affecting residents' quality of life, e.g., an excessive, visible buildup of trash.

184538 – Tree Ordinance:

Alderman Gewirtz spoke about creating an ordinance governing tree preservation and the tree warden's role in initiating the process for removing public shade trees in accordance with MGL chapter 87. Alderman Heuston requested information pertaining to trees 36" or more in diameter and Alderman Sullivan addressed situations where a fast track method might be warranted, e.g., where the roots of a tree are lifting sidewalk panels, causing a potential hazard to pedestrians.

The committee discussed matters before it and took action on the following item:

184792: Communication - Planning Board re: #184478, a proposed zoning amendment to clarify the Planning's Board's role as Special Permit Granting Authority in a Planned Unit Development.

RECOMMENDATION: Should be placed on file

VOTE: Unanimous, 3 - 0 in favor

Alderman Thomas F. Taylor, Chairman
Committee on Legislative Matters

COMMITTEE REPORT

Report of the Committee on Legislative Matters,
February 12, 2008

In Board of Aldermen

Clerk