

Minutes
Special meeting of the City of Reading Planning Commission
January 28, 2008 at 5:00 pm

Members present:

Ermete J. Raffaelli, Chairman
David N. Reppert, Vice Chairman
Wayne Jonas Bealer, Assistant Secretary
Edmund Palka

Staff present:

Andrew W. Miller, Planning Office
Michelle R. Mayfield, Department of Law

Others present:

Don Spatz, Reading Eagle Company

Having deemed the January 23rd meeting an “executive session”, the Planning Commission held a special meeting to discuss a possible appeal of the Zoning Administrator’s permit (Control No. 2008-02) of the animated sign at the recently-constructed G. L. Public Services office at 100 North Third Street. Chairman Raffaelli called the meeting to order, and announced the executive session, relative to ‘potential litigation’, for the record.

Mr. Bealer moved to appeal the Zoning Administrator’s ruling on the application for digital signage at 100 North Third Street. Mr. Palka seconded. And the Commission voted unanimously to appeal Zoning Permit Control No. 2008-02.

Resolution #6-2008

Ms. Mayfield requested two additional motions related to the presentation of the appeal; the first authorizing Andrew Miller to represent the Commission before the Zoning Hearing Board. Mr. Miller resisted, fearing it might jeopardize the Commission’s objective. Mr. Raffaelli recognized the possible misinterpretation as a ‘staff only’ grievance. Mr. Bealer offered to present the appeal.

Mr. Palka moved to authorize Wayne Bealer, or a designated alternate, to represent the Planning Commission, and present its appeal to the Zoning Hearing Board at their March hearing. Mr. Reppert seconded. And the Commission voted unanimously to designate Wayne Bealer its representative in appealing Zoning Permit Control No. 2008-02 to the Zoning Hearing Board.

Resolution #7-2008

Mr. Reppert moved to waive Michelle Mayfield’s technical conflict-of-interest in preparing the formal appeal, insofar as she also represents the Zoning Administrator in her capacity as assistant to the City Solicitor. Mr. Palka seconded. And the Commission voted unanimously to waive Michelle Mayfield’s conflict-of-interest in preparing the Commission’s appeal of Zoning Permit Control No. 2008-02

Resolution #8-2008

Mr. Miller reported having trouble resolving the unauthorized demolition of the Second and Court Streets Walkway, removed by R/C Theatres’ excavation contractor, and without anything but the verbal permission of the Reading Parking Authority’s Executive Director¹. He said that, even after explaining the legal weight of the R/C Theatres land development plan and the possible withholding of the occupancy permit, there had been no response. Mr. Raffaelli recalled the history of the walkway, designed and constructed along with the Front and Washington Parking Garage, with regard to the once-planned Quality Suites hotel and the Aetna Life and Casualty headquarters (the “Gateway Building”) also in the planning phase at the time (see also: July 10, August 14 and September 11, 1990 meeting minutes). Mr. Reppert wondered if an enforcement action would be more-appropriately directed at the Parking Authority, as the parcel owner. He asked if they had pulled the required permits for the demolition². Ms. Mayfield suggested the building inspector could cite them, if they hadn’t.

¹ The Planning Office staff first noticed the demolition during the ribbon-cutting ceremony for the Second and Washington Streets Parking Structure, August 31, 2007. Later, an incorrectly-dated letter from the Authority’s Executive Director granting permission was emailed September 10th from Our City-Reading’s Project Manager.

² On January 29, the Building Inspector confirmed that no permit had been associated with the demolition.

Following additional speculation on the responsible parties and the possible City funding involved, Mr. Palka moved to direct Andrew Miller to investigate the matter, and arrange a meeting with parties involved, naming the Reading Redevelopment Authority, the Reading Parking Authority, R/C Theatres Management Corp., Burkey Construction Company and Reading Movies, LLC, specifically. Mr. Bealer seconded. And the Commission voted unanimously to investigate the demolition of the Second and Court Streets Walkway, and arrange a meeting with the parties identified.

Resolution #9-2008

Turning attention back toward G. L. Public Services, Mr. Bealer addressed the off-street parking observed in the required setback. Mr. Raffaelli recalled the City Engineer or Traffic Planner previously making recommendations against the driveway. Ms. Mayfield said the Commission could file a complaint with the Zoning Administrator, who would enforce the matter if a violation is determined. Mr. Miller explained that the land development plan didn't include the driveway, the developer having presented it as a loading area on a driveway application submitted later. He felt he had no choice but to approve it, as such. Mr. Raffaelli assumed it had been so submitted to escape the Commission's review.

Mr. Bealer moved to investigate a possible zoning violation at 100 North Third Street, regarding parking in the setback. Mr. Palka seconded. And the Commission voted unanimously to file complaint with the Zoning Administrator, alleging violation of the Zoning Ordinance's §27-1602.2 at 100 North Third Street.

Resolution #10-2008

Mr. Palka moved to adjourn the special meeting. Mr. Bealer seconded. And the Commission voted unanimously to adjourn the January 28th special meeting. – 5:58 pm.