

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE REPORT

WEDNESDAY, DECEMBER 3, 2014

Present: Ald. Ciccone (Chair), Johnson, Yates, Cote, Harney and Schwartz

Absent: Ald. Fuller and Lipof

Also Present: Ald. Lennon

City Staff: Officer Rocco Marini and Sgt. Jay Babcock, Newton Police Department; Marie Lawlor, Assistant City Solicitor

Others Present: Donald LaPlante and Dominic Proia

#460-14 DONALD LaPLANTE, 395 Lexington Street, Auburndale, MA 02466, requesting **one (1) new public auto license** for Don's Car Service.
[11/12/14 @ 10:56 AM]

ACTION: **APPROVED 4-0, Ald. Harney and Schwartz not voting**

NOTE: Mr. LaPlante and Officer Marini joined the Committee for discussion on this item.

Officer Marini reported that Mr. LaPlante paid the required application and medallion fees. His 2013 Toyota Avalon Sedan passed the required inspection and recommends approval and issuance of public auto medallion #15. Officer Marini stated that Mr. LaPlante's first medallion was approved in 2011, and he has received no complaints or concerns with this company. If approved, this will be Mr. LaPlante's second public auto medallion.

Without discussion, Ald. Johnson made the motion to approve this item. Council members agreed 4-0, Ald. Harney and Schwartz not voting.

#310-13(2) ALD. LENNON, on behalf of Dominic Proia, 17 Peabody Street, requesting an amendment to Resident Permit Parking Program Sec. 19-201(B)(1) regarding contiguous lots. [02/24/14 @ 9:08 AM]

HELD 6-0 on 03/19/14, Ald. Harney not voting

HELD 4-0 on 11/19/14, Ald. Yates, Johnson and Fuller not voting.

ACTION: **APPROVED 6-0**

NOTE: Ald. Lennon, Sgt. Babcock, Ms. Lawlor and Mr. Proia joined the Committee for discussion on this item.

Chair Ciccone stated that this item was previously held allowing Ald. Lennon the opportunity to continue working with the Law Department on a draft ordinance regarding contiguous lots. He is hopeful it will be voted upon tonight. He said that the intent of this draft ordinance language is to allow Traffic Council discretion where and how permits can be disbursed in site-specific

locations, not a comprehensive approach. The Police Department will continue distributing the permits.

Sgt. Babcock provided Committee members with the number of permits the department has issued to Peabody and Washington Street residents as of December 3, 2014, attached to this report.

Sgt. Babcock stated that the department has issued the following forty-two permits to Peabody Street and Washington Street residents. There are seven permits to residents and two visitor passes totaling twenty-one permits for each street. Forty-two permits have been issued to occupy the twelve to fourteen legal parking spaces on Peabody Street depending on vehicle size without blocking driveways and fire hydrants. The department stopped issuing permits after reaching fourteen. The Washington Street apartment building has zero available parking. Sgt. Babcock noted that the City Ordinance requires the Police Department to continue issuing permits.

On December 15, the department anticipates distributing the permits for calendar year 2015. Sgt. Babcock asked if the department could delay issuing these permits until this issue is resolved? The department does not want to rescind permits. Ms. Lawlor said that the previous draft ordinance provided two options for consideration. Option 1 was to remove contiguous lot eligibility entirely and option 2 was to allow Traffic Council to make determinations on a case-by-case basis. This draft ordinance would allow Traffic Council to limit the number of resident parking permits which will be made available to residents of the restricted area and eligible contiguous lots and direct the Chief of Police to issue such permits on a first come first serve or on a lottery basis. This is a limited area problem. Residents of Peabody Street or contiguous lots may docket a petition for Traffic Council's decision. Ms. Lawlor said that there are eighty-eight potential applicants eligible to apply for the permits, including the eighteen units in the apartment building. This does not include visitor passes.

Ald. Lennon said that he understands the Police Department may re-issue to the same applicants the current number of permits for 2015, for the fourteen spaces. New permits would not be issued until this problem is resolved. Ms. Lawlor agreed. She suggested the Police Department notify permit holders that their permits would continue to be active after December 31, 2014 or until this issue is resolved.

Ald. Lennon said that in 2012, Traffic Council discussed a request about allowing only residents of Peabody Street to participate in the established resident permit parking area on Peabody Street in order to alleviate ongoing parking problems. During discussion, it was determined that this Committee would address the ordinance and if necessary, any amendments. Ald. Lennon recalls a previous discussion in this Committee with Mr. Koses who was concerned regarding shutting out Washington Street residents to parking spaces. The original intent was to assist Washington Street residents because of the parking issue. The permit program was not designed to allow people without a parking space a place to park. Years ago, Peabody Street residents were allowed to participate in the resident permit program because commuters, patrons and merchants were parking up Peabody Street.

Committee members asked if parking is allowed on Washington Street, where do residents park during the winter, are municipal lots available during the day and are other parking options available? Sgt. Babcock answered that residents may park on Washington Street at night during the non-winter months. The Pearl Street and Richardson Street municipal lots are available at night for residents who obtain a parking sticker issued by the Police Department.

Mr. Proia provided Committee members with a signed petition from residents of Peabody Street, opposed to residents of Washington Street parking on Peabody Street, attached to this report. Mr. Proia said that Peabody Street is parked up 24 hours per day, 7 days per week. It appears that tenants from #337 Washington Street are parking up the area and park their vehicles for days at a time. Winter exacerbates the parking issues. He stated that as a taxpayer, it is unfair to issue permits to renters of #337 Washington Street.

Chair Ciccone suggested that if vehicles are parking longer than seventy-two hours to call the Police Department because the vehicle would be considered abandoned. Sgt. Babcock expressed his concern with permit holders issuing visitor passes to friends who are parking up the area. In the future, this issue needs to be addressed. Ms. Lawlor stated that in this draft ordinance "The Traffic Council may order that no more than one resident parking permit and one visitor permit be issued to dwelling units on eligible contiguous lots. Notwithstanding the foregoing, residents of a lot which is contiguous to the rear lot line of a non-corner lot bordering the restricted area will not be eligible for a parking permit". Ald. Johnson suggested removing the words "contiguous lots" allowing Traffic Council to limit the number of permits.

Without further discussion, Ald. Johnson made the motion to approve this item. Council members agreed 6-0.

A draft Ordinance is attached to this report.

At approximately 8:45 pm, Chair Ciccone made the motion to adjourn. Committee members agreed 6-0.

Respectfully submitted,

Allan Ciccone, Jr. Chairman

This list reflects current information regarding business address and business phone as of 11/13/14.

New Public Auto Request

New public auto inspections
prepared by Officer Rocco Marini on 11/13/14

Docket #	Company and Business Address	Contact and Business Phone	Medallion	Pass/Fail
#460-14	Don's Car Service 395 Lexington Street Auburndale, MA 02466	Donald LaPlante 617-962-4446	PA 15	PASS

310-13(2)

**NEWTON POLICE DEPARTMENT
TRAFFIC BUREAU**

**2014
INFORMATION**

**RESIDENT PARKING PERMIT
PEABODY STREET**

**THIS INCORPORATES PEABODY STREET
RESIDENTS AND 337 WASHINGTON STREET
(APARTMENT COMPLEX) RESIDENTS**

- **PEABODY STREET = (7) ISSUED** *as of 12/3/14*
W/ TWO PLACARDS PER = (14) ISSUED

- **WASHINGTON STREET = (7) ISSUED**
W/ TWO PLACARDS PER = (14) ISSUED

**TOTAL PERMITS = 14
TOTAL PLACARDS = 28
TOTAL = 42**

LEGAL SPACES FOR STREET PARKING = 12

310-13(2)

October 26, 2014

To Whom It May Concern:

We the residents of Peabody St. Newton Corner are requesting the removal of permit parking for vehicles that are not registered to Peabody St. due to the fact that there are approximately 14 spaces and 90 percent of the cars are utilized by nonresidents (mainly residents of 337 Washington St.) This is especially a problem during the summer time when the residents of 337 Washington St. park their cars on Peabody St. in the early morning hours and do not move them at all. Years ago when the residents of Peabody St. requested permit parking, we did so with the understanding that permit parking was for the residents of Peabody St. only and we were never given any type of notice when an addendum was put in place allowing the residents of Washington St. to obtain a permit to park on Peabody St. It is especially difficult when company tries to come over and visit and there isn't any where for them to park due to the fact that there are no spaces because Washington St. Residents have taken up the spaces and leave their cars there all day and all night without them being held accountable. We feel the increase fee in overnight parking will not help the situation. Most will leave in the late afternoon or early evening and be back on Peabody St. by 6 or 7 am. We appreciate your attention to this matter.

Sincerely,

The residents of Peabody St.

Dominic A. Faria 17 Peabody St.
~~Paul Faria~~ 21 Peabody St.
~~Sally~~ Sally Jones 19 Peabody St.
Sheila Arroyo 23 Peabody St.
Plamen Karadonev 15 Peabody St.,
Mary Ann Flood 4 Peabody St
Joan Fry 4 Peabody St
John Luyares 14 Peabody St

(Added language appears underscored)

Sec. 19-201. Resident sticker and visitor permit parking program.

There shall be a resident sticker and visitor permit parking program in the City of Newton to govern parking of residents' and visitors' motor vehicles on designated city streets in restricted areas during designated times, as follows:

A. Establishment of restricted area.

- (1) One or more residents or property owners of the City of Newton, the chief of police or the commissioner of public works or his designee may petition the traffic council to establish, extend, reduce, modify or delete an area in which parking shall be restricted to vehicles displaying valid resident stickers or visitor permits for that area. In order for a resident's or property owner's petition to establish, modify or extend a restricted area to be considered by the traffic council, it must be submitted with signatures of one or more residents of each of at least fifty percent (50%) of the dwelling units located in the area in which parking restrictions are proposed. Such an area may be any portion or all of one or more streets, but the minimum proposed restricted area must be at least one street block in length, and any restricted area must be bordered only by properties the primary use of which is residential. In accordance with guidelines approved by the board of aldermen, the traffic council may consider a petition for a restricted area that is not bordered only by properties the primary use of which is residential or for a restricted area that is less than one block in length. In addition, no petition for a restricted area will be considered unless alternative parking restrictions, such as time limitations or parking prohibitions, covering the entire proposed restricted area, have been in effect for at least one (1) year immediately prior to such consideration. Permit parking restrictions shall not be established for any period between 2:00 a.m. and 6:00 a.m.
- (2) Upon receipt of such a petition as specified above, the traffic council shall schedule a public hearing within ninety (90) days and notices of such hearing shall be sent to abutters and to those residents and property owners of record at all addresses within five hundred (500) feet of the proposed or existing restricted area. The traffic council shall not deny a petition because of defects in the notice procedure required by this section, unless a resident, property owner, or abutter has been prejudiced thereby.
- (3) In reviewing the petition, the traffic council shall consider the following criteria:
 - a) vehicular circulation and safety;
 - b) pedestrian safety;
 - c) lack of convenient off-street parking for residents of the area of the proposed restriction;
 - d) level of demand for on-street parking by nonresidents of the area of the proposed restriction, including analysis of probable displacement of nonresidential parking to adjacent residential areas if the proposed restrictions should be implemented;

- e) extent to which existing and/or alternative parking regulations are ineffective to deal with parking problems in the area of the proposed restriction.
- (4) The traffic council may establish a restricted area only in an area where alternative parking restrictions, such as time limitations or parking prohibitions, have been in effect for at least one (1) year immediately prior to the petition. The traffic council shall review the effectiveness of the existing restrictions prior to establishment of a new restricted area.
- (5) Following the public hearing, the traffic council may adopt a regulation establishing, extending, reducing, modifying, or deleting one or more areas, as related to the petition, in which parking shall be restricted to residents of the particular restricted areas during time periods to be established as part of such ordinance.
- (6) When adopting a regulation in accordance with (5) above, the traffic council shall determine whether residents of lots contiguous to a corner lot abutting the restricted area will be eligible to apply for a resident parking sticker. In making such determination, the traffic council shall consider the following criteria, in addition to the criteria listed in section (3) above: the number of dwelling units abutting the restricted area; the number of dwelling units on the contiguous lot; the number of on-street legal parking spaces available in the restricted area; the lack of convenient off-street parking for residents of the restricted area; and the lack of convenient off-street parking for residents of the contiguous lots. The traffic council may order that no more than one resident parking permit and one visitor permit be issued to dwellings units on eligible contiguous lots. Notwithstanding the foregoing, residents of a lot which is contiguous to the rear lot line of a non-corner lot bordering the restricted area will not be eligible for a parking permit.
- (7) Where, based on the criteria set forth in sections (3) and (6) the traffic council determines that the number of eligible dwelling units greatly outnumbers the available on-street parking spaces, the traffic council may limit the number of resident parking permits which will be made available to residents of the restricted area and eligible contiguous lots and direct the chief of police to issue such permits on a first come first serve or on a lottery basis.
- ~~(6)~~ This section shall not apply in neighborhood parking districts established pursuant to Section 19-202.

B. Issuance of resident parking stickers:

- (1) Resident parking stickers shall identify the restricted area to which they apply and shall be of a design specified by the chief of police. One such sticker for a restricted area shall be issued by the chief of police or his designee to an owner of a motor vehicle which is registered in the Commonwealth of Massachusetts, with a registered gross weight of under two and one half (2½) tons, which is principally garaged in the City of Newton at an address which borders a restricted area or, if deemed eligible by the traffic council, at an address which is contiguous to a lot that borders said restricted area, as established in accordance with subsection (a) above, which is owned or used by a resident of the City of Newton at said address, and which otherwise qualifies for issuance of a sticker under this section. Notwithstanding the foregoing, the owner of a motor vehicle principally garaged at a lot which is contiguous to the rear lot line of a non-corner lot bordering the restricted area will not be entitled to a sticker.
- (2) Upon establishment of a restricted area by the traffic council, the city engineer shall determine those

addresses at which registered vehicles shall be eligible to receive resident parking stickers, and forward a list of such addresses to the chief of police and to the board of assessors. The board of assessors shall provide a description of the use at each address including the existing number of dwelling units as it appears in the assessing records, and forward that information to the chief of police.

(3) Acceptable proof of residency in subsection (1) hereof will be either (A) a current registration certificate issued by the Registry of Motor Vehicles, Commonwealth of Massachusetts, stating the information required in subsection (1); or (B) a current registration certificate issued by the Registry of Motor Vehicles, Commonwealth of Massachusetts, accompanied by a Massachusetts Registry of Motor Vehicles "Change of Address Form", properly completed and stating the information required in subsection (1). The police department may require the Registry of Motor Vehicles "Change of Address Form" to be completed by the applicant and left with the department for mailing directly to the Registry of Motor Vehicles if there is any doubt as to the authenticity of the applicant's proof under subsection (3)(B). The Registry form must contain the information required in subsection (1).

(4) The number of resident parking stickers issued to a resident at an eligible address shall be limited as follows: the maximum number of resident parking stickers for residents at eligible addresses shall be two (2) per dwelling unit. Motor vehicles not registered at the address shall not be eligible for a sticker. [The number of such permits issued to residents of eligible contiguous lots may be further limited by the traffic council.](#)

(5) Other provisions governing resident sticker parking:

a) Resident parking stickers shall show the registration number of the vehicle to which it is assigned, the sticker's effective year, and the area in which it is effective.

b) The chief of police may establish rules governing the display of resident parking stickers.

c) Resident parking stickers shall expire on December 31 of each year.

d) Any outstanding fines for parking violations attributable to the motor vehicle for which a resident parking sticker is requested must be paid in full before said sticker is issued.

e) The fee for resident parking stickers shall be twenty-five dollars (\$25.00) per year per vehicle.

f) Notwithstanding the provisions of this section or any other provision in this chapter to the contrary, no penalty shall be imposed for the parking on any street designated as resident permit parking area of any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinctive number plate authorized by section 2 of chapter 90 of the General Laws or for the parking of any vehicle used to transport a disabled veteran or handicapped person who bears a properly displayed special parking identification placard as authorized by section 2 of chapter 90 of the General Laws.

[\(g\) A resident parking sticker does not guarantee a parking space will be available.](#)

C. Issuance of visitor parking permits:

(1) Visitor parking permits shall be distinguished by area, shall be transferable between vehicles, and

shall be of a design specified by the chief of police.

- (2) Two (2) such permits for a restricted area shall be issued by the chief of police or his designee to any resident eligible for the issuance of resident parking stickers. Notwithstanding the foregoing, the maximum number of visitor parking permits shall be two (2) per dwelling unit. For residents of a dwelling unit in a restricted area in which there exists a home office or home occupation permitted as an accessory use by sections 30-8(c) and 30-9(2)(i) of the Revised Ordinances, the maximum number of visitor parking permits may be increased by one (1), unless the home office is that of a physician or dentist, in which case the maximum number of visitor parking permits may be increased by two (2). [The number of such permits issued to residents of eligible contiguous lots may be further limited by the traffic council.](#)
- (3) Visitor parking permits shall show the permit's effective year and shall expire on December 31 of each year.
- (4) Visitor parking permits will not be replaced if lost.
- (5) Visitor parking permits shall be issued to qualified residents free of charge.
- (6) The chief of police may establish rules governing the display of resident parking stickers.

D. Exemptions:

- (1) Visitor parking permits for a restricted area may be issued by the chief of police or his designee in such a number, and to such institutions, organizations, or persons, as the traffic council shall authorize in establishing permit-parking restrictions in accordance with subsection (a) above.
- (2) Such additional visitor permits shall be issued, where authorized by the traffic council, free of charge.
- (3) The chief of police or the chief's designee may, at his discretion and upon request of any resident at an eligible address, waive the permit parking restrictions in a restricted area for a limited period of time.

E. Other provisions governing resident sticker parking and visitor permit parking:

- (1) Applications for resident stickers or visitor permits shall be made on a form prescribed by the chief of police or his designee.
- (2) Resident stickers and visitor permits and ordinances governing their use shall be effective in locations and during hours established in accordance with subsection (a) above. All other parking and traffic regulations and ordinances of the City of Newton shall remain in full force and effect and must be obeyed by sticker and permit holders.
- (3) Resident stickers and visitor permits do not authorize holders to park overnight in municipal lots.
- (4) All sticker or permit parking shall automatically be suspended upon the declaration of a snow emergency or any disaster in the city by the chief of police or his designee.
- (5) Resident stickers and visitor permits will automatically be revoked if a motor vehicle ceases to qualify under this ordinance, if the sticker or permit is applied to a vehicle other than the one so

designated at the time of application, or if the applicant for a visitor permit ceases to qualify under this section.

- (6) Resident stickers and visitor permits if not properly affixed or displayed on the motor vehicle, shall be deemed to be of no effect.
- (7) The fee for issuance of a replacement resident parking sticker shall be two dollars (\$2.00).
- (8) No parking restrictions established hereunder shall be effective on legal holidays, on Sundays from 6:00 a.m. to 2:00 p.m., on Saturdays or on religious holidays on streets abutting any house of worship during hours of religious services at such house of worship, or during municipal or Newton Public Schools or Newton Community Schools events or functions in areas affected by said events or functions.
- (9) If any provision of this ordinance or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of this ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.
- (10) This section, together with any amendments thereto, will be posted in the office of the city clerk. (Ord. No. S-155, 2-18-86; Ord. No. T-168, 9-3-91; Ord. No. T-169, 7-8-91; Ord. No. T-230, 6-01-92; Ord. No. T-236; 7-13-92; Ord No. T-304; 11-01-93; Ord. No. V-154, 12-1-97; Ord. No. Z-12, 12-03-07; Ord. No. Z-38, 11-17-08; Ord. Z-39, 11-17-08; Ord. No. Z-48, 03-16-09; Ord. No. A-19, 04-01-13)

CITY OF NEWTON
IN BOARD OF ALDERMEN

ORDINANCE NO.

December , 2014

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2012, as amended, be and are hereby further amended with respect to **Section 19-201 Resident sticker and visitor permit parking program** as follows:

1. Insert, in the first sentence of Sec. 19-201 A. (1), after the word “reduce” and before the words “or delete”, the following language:

“, modify”

2. Insert, in the second sentence of Sec. 19-201 A. (1), after the word “establish”, and before the words “or extend”, the following language:

“, modify”

3. Insert, in Sec. 19-201 A. (5), after the word “establishing” and before the words “or deleting”, the following language:

“, extending, reducing, modifying”

4. Insert, after Sec. 19-201 A. (5) the following new paragraphs (6) and (7), and renumber the existing paragraph (6) to (8):

“(6) When adopting a regulation in accordance with (5) above, the traffic council shall determine whether residents of lots contiguous to a corner lot abutting the restricted area will be eligible to apply for a resident parking sticker. In making such determination, the traffic council shall consider the following criteria, in

addition to the criteria listed in section (3) above: the number of dwelling units abutting the restricted area; the number of dwelling units on the contiguous lot; the number of on-street legal parking spaces available in the restricted area; the lack of convenient off-street parking for residents of the restricted area; and the lack of convenient off-street parking for residents of the contiguous lots. The traffic council may order that no more than one resident parking permit and one visitor permit be issued to dwellings units on eligible contiguous lots. Notwithstanding the foregoing, residents of a lot which is contiguous to the rear lot line of a non-corner lot bordering the restricted area will not be eligible for a parking permit.

(7) Where, based on the criteria set forth in sections (3) and (6) the traffic council determines that the number of eligible dwelling units greatly outnumbers the available on-street parking spaces, the traffic council may limit the number of resident parking permits which will be made available to residents of the restricted area and eligible contiguous lots and direct the chief of police to issue such permits on a first come first serve or on a lottery basis.

5. Insert, in the second sentence of Sec. 19-201 B. (1), after the words “which borders a restricted area or” and before the words “which is contiguous to”, the following language:

“, or if deemed eligible by the traffic council, at an address”

6. Insert, at the end of Sec. 19-201 B. (4), the following language:

“The number of such permits issued to residents of eligible contiguous lots may be further limited by the traffic council.”

7. Insert, after Sec. 19-201 B. (5) f), the following language:

“g) A resident parking sticker does not guarantee a parking space will be available.”

8. Insert, at the end of Sec. 19-201 C. (2), the following language:

“The number of such permits issued to residents of eligible contiguous lots may be further limited by the traffic council.”

Approved as to legal form and character:

DONNALYN LYNCH KAHN
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT
Approved:

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor