

IN BOARD OF ALDERMEN

BOARD ACTIONS

Tuesday, April 22, 2014

Present: Ald. Albright, Baker, Blazar, Ciccone, Cote, Crossley, Danberg, Fuller, Harney, Hess-Mahan, Johnson, Kalis, Lappin, Leary, Norton, Rice, Sangiolo, Schwartz, Yates and Lennon
Absent: Ald. Gentile, Laredo, and Lipof 1 Vacancy

UNFINISHED BOARD BUSINESS

Item Chartered on April 7, 2014 by Alderman Albright:

#23-14 **ALBERT PINKHASOV** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for walls of more than 4 feet in the setback at 78 LOVETT ROAD, Ward 8, Newton Centre, on land known as SBL 82, 15, 97, containing approximately 16,004 square feet of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012. *Public Hearing opened on February 11, 2014, continued to March 4, and continued to March 18. (90 days: June 16)*
LAND USE APPROVED 6-2 (Harney, Lennon opposed) on MARCH 18, 2014
ITEM POSTPONED TO DATE CERTAIN OF MAY 5, 2014

REFERRED TO ZONING & PLANNING & REAL PROPERTY REUSE COMMITTEES

#47-14 SARAH QUIGLEY et al. filing on February 3, 2014 a Group Petition pursuant to Sec. 10-2 of the Newton Charter which seeks the following:

1. Review and rescind the declaration and classification of the Austin Street public parking lot as surplus municipal land.
2. Recommend that the mayor or other municipal authority withdraw the offer to sell the land, exercising an option listed in the Request for Proposal dated February 13, 2013.
3. Rezone the Austin Street parking lot from the recently created Mixed Use 4 (MU4) zone to a zone that is more appropriate to the scale of Newtonville village: Public Use, BU1 or BU2.

HEARING CLOSED 3/25/14

REAL PROPERTY REUSE VOTED NO ACTION NECESSARY on 4/1/14: 6-1-1 (Ald. Gentile opposed; Ald. Fuller abstaining) on 1. and 2.; 8-0 on 3.

ZONING & PLANNING VOTED NO ACTION NECESSARY 4-1-0 (Yates opposed; Sangiolo not voting) on APRIL 10, 2014

ITEM CHARTERED BY ALD. SANGIOLO

#60-14

REFERRED TO PROGRAMS & SERVICES COMMITTEE

HIS HONOR THE MAYOR, HEALTH AND HUMAN SERVICES COMMISSIONER ZALEZNIK, ALD. RICE, SCHWARTZ, LEARY, HARNEY AND DANBERG proposing amendments to Chapter 20 to include and regulate nicotine delivery products (such as e-cigarettes) in the same manner as tobacco products; to prohibit use of nicotine delivery products in places where use of tobacco products is prohibited; to regulate the sale of tobacco products and nicotine delivery products contain flavoring other than regular or menthol; to increase the minimum age for purchasing tobacco and nicotine delivery products to 21; to further regulate signage; and to regulate minimum cigar pricing and packaging, blunt wrappers and roll-your-own machines. [02/24/14 @ 4:53 PM]

A) **APPROVED 5-2 (Hess-Mahan and Sangiolo opposed) RAISING THE MINIMUM AGE TO 21 on APRIL 9, 2014**

B) **APPROVED 7-0 ALL OTHER AMENDMENTS on APRIL 9, 2014**
ITEM RECOMMITTED TO PROGRAMS & SERVICES COMMITTEE

#397-13

REFERRED TO PROGRAMS & SERVICES COMMITTEE

ALD. SANGIOLO on behalf of the URBAN TREE COMMISSION, proposing amendments to the Tree Preservation Ordinance. [10/28/13 @ 2:46 PM]

APPROVED AS AMENDED 7-0

ITEM RECOMMITTED TO PROGRAMS & SERVICES COMMITTEE

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 3 ABSENT (Ald. Gentile, Laredo, and Lipof), 1 VACANCY TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

Tuesday, April 8, 2014

Present: Ald. Laredo (Chairman), Ald. Cote, Albright, Crossley, Schwartz, and Lipof; absent: Ald. Harney and Lennon

Public hearing opened on January 14, continued to February 11, continued to March 11, 201; continued to April 8.

#424-13

UBC EQUITY PARTNERS, LLC/KS RETAIL MANAGE, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a future potential mixture of office, retail, services, restaurant, and storage uses, which will involve no proposed physical changes, in an existing building and to waive 37 parking stalls or to allow, if necessary, 40 off-site parking stalls in addition to the existing 185 parking stalls at 19-33 NEEDHAM STREET, Ward 5, Newton Upper Falls, on land known as SBL 51, 28, 25B, 25C, 25D, containing approximately 109,396 sf of land in a district zoned MIXED USE 1. Ref: Sec 30-24, 30-23, 30-13(b)(1), (3), (4), (5), 30-19(f)(1), (2) *or* 30-19(c)(3), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

PUBLIC HEARING CONTINUED TO MAY 13, 2014

Public Hearing opened on March 11, continued to April 8:

#44-14 CAFÉ SANTIAGO, LLC/DAVID T. ZUSSMAN, TRUSTEE petition for a SPECIAL PERMIT /SITE PLAN APPROVAL to locate a restaurant of more than 50 seats, to waive the 14 parking stalls associated with the proposed restaurant, and to allow cooking classes on-site at 105 UNION STREET, Ward 6, NEWTON CENTRE, on land known as SBL 61, 36, 9, containing approximately 31,455 sq. ft. of land in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-11(d)(9), (13), 30-19(c)(3) (d)(13), and (m), 30-5(b)(2) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; APPROVED 6-0

#56-14 BOSTON FOODMART, LLC d/b/a/BAZA/TOWER BUSINESS CENTER, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to erect a freestanding sign and to maintain an existing wall sign as a secondary sign in excess of 50 square feet at 30 TOWER ROAD, Ward 5, on land known as SBL 51, 28, 8A, containing approximately 37,838 sq. ft. of land in a district zoned MIXED USE 1. Ref: Sec 30-24, 30-23, 30-20(f)(2), 30-20(l) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; APPROVED 6-0

#67-14 AUCTION DIRECT PREOWNED, INC. d/b/a OLD TIME GARAGE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an EXTENSION and CHANGE in a NONCONFORMING USE for an automobile service and ancillary automobile sales at 1545 WASHINGTON STREET, Ward 4, West Newton, on land known as SBL 33, 2, 7, containing approximately 10,000 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)b), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; APPROVED 6-0

#68-14 CHRISTOPHER LOVETT petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 687-sq. ft. addition to the basement, first and second floors and attic of an existing single-family dwelling, which will increase the Floor Area Ratio from .37 to .45, where .38 is allowed, at 63 KENWOOD AVENUE, Ward 6, Newton Centre, on land known as SBL 64, 20, 25, containing approximately 9,991 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u)of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; APPROVED 6-0

#69-14 JOSHUA GANN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a retaining wall of more than 4' in the rear setback, and if necessary the side setback(s) to create a usable backyard at 79 SHORNECLIFFE ROAD, Ward 7, Newton, on land known as SBL 72, 31, 24, containing approximately 20,600 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.

HEARING CONTINUED TO MAY 6, 2014

#70-14 JOHN J. ROCHE, INC./ROBERT J. MARINICK FAMILY TRUST OF 1996 petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING USE and STRUCTURE to add a new pre-fabricated spray booth adjacent to an existing auto body shop and for related waivers from dimensional parking requirements, landscaping, and lighting requirements at 740 BEACON STREET (and O UNION STREET) on land known as SBL 61, 38, 5 and 6, containing a total of 10,888 sq. ft. of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 3, 30-11(g)(2), 30-19(h), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

HEARING CONTINUED TO MAY 6, 2013 (Laredo and Lipof recused)

REFERRED TO ZONING & PLANNING COMMITTEE

Thursday, April 10, 2014

Present: Ald. Johnson (Chairman), Danberg, Sangiolo, Yates, Leary and Kalis; absent: Ald. Baker and Hess-Mahan; also present: Ald. Norton, Crossley and Blazar

REFERRED TO ZONING & PLANNING, LAND USE & FINANCE COMMITTEES

#273-12 ALD. CROSSLEY & HESS-MAHAN requesting a restructuring and increase in fees for permits charged by the Inspectional Services Department and fees charged by the Planning Department and City Clerk to assure that fees are both sufficient to fund related services provided and simple to administer.

HELD 6-0

#77-14 THE ACCESSORY APARTMENT SUBCOMMITTEE proposing to amend **Chapter 30, City of Newton Zoning Ordinances** to reduce the minimum required size of an accessory apartment. [03/07/14 @ 4:23 PM]

HELD 5-0 (Kalis not voting)

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, April 9, 2014

Present: Ald. Sangiolo (Chairman), Norton, Kalis, Hess-Mahan, Blazar, Leary and Rice; absent: Ald. Baker; also present: Ald. Crossley, Laredo, Albright, Lennon, Danberg and Schwartz

Appointment by His Honor the Mayor

#85-14 LAUREN DIGERONIMO, 18 Eddy Street, West Newton, appointed as a member of the URBAN TREE COMMISSION for a term to expire March 1, 2017.

APPROVED 7-0

Appointment by the President of the Board

#79-14 CARL COHEN, 15 Magnolia Avenue, Newton, appointed as a member of the BIOSAFETY COMMITTEE for a term to expire April 1, 2015.

APPROVED 7-0

Appointment by His Honor the Mayor

#83-14 EDWARD "TED" MARPLE, 12 Ohio Avenue, Newton Upper Falls, appointed as a member of the BIOSAFETY COMMITTEE for a term to expire March 31, 2016.

APPROVED 7-0

Appointment by His Honor the Mayor

#84-14 JAY SCHWARTZ, 200 Upland Road, Newtonville, appointed as a member of the BIOSAFETY COMMITTEE for a term to expire March 31, 2017.

APPROVED 7-0

REFERRED TO PROG & SERV, PUBLIC FACIL, AND FINANCE COMMITTEES

#127-14 COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of \$200,000 from the Community Preservation Fund to the Parks & Recreation Department for a final design and specifications to rehabilitate the Newton Highlands/Joseph Lee Playground between Winchester and Dedham Streets, as described by that department's November 2013 proposal and updated March 2014 funding request. [03/24/14 @ 3:10 PM]

FINANCE APPROVED 6-0 on 04/16/14

PUBLIC FACILITIES APPROVED 5-0 on 04/09/14

APPROVED 4-0-3 (Hess-Mahan, Sangiolo and Blazar abstaining)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, April 9, 2014

Present: Ald. Ciccone (Chair), Yates, Cote, Fuller, Schwartz and Lipof; absent: Ald. Harney and Johnson

#302-13 ALD. FULLER, CICCONE & ALBRIGHT, requesting a presentation and discussion by the Executive Office and Chief of Police on the findings of the recently completed Newton Police Department departmental review. [08/12/13 @ 8:32 PM]

HELD 6-0

REFERRED TO PUBLIC SAFETY & TRANS. AND PUBLIC FACIL. COMMITTEES

#101-14 COMMISSIONER OF PUBLIC WORKS, requesting discussion of proposed intersection improvements at Winchester and Boylston Streets that includes the installation of new traffic signal on westerly side of the intersection to be funded under the Mass Works Grant. [03/03/14 @ 3:03 PM]

PUBLIC FACILITIES VOTED NO ACTION NECESSARY 5-0 on 04/09/14

NO ACTION NECESSARY 6-0

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

- #125-14 **HIS HONOR THE MAYOR** requesting authorization to transfer the sum of seventy five thousand dollars (\$75,000) from the Fire Rescue Full-Time Salaries Account to the Fire Vehicle Equipment Account to purchase a Ford 350 Cutaway Van, which will serve as the replacement of both the 2004 ambulance that was donated to the City and a 1994 Box Truck. [03/31/14 @ 3:59 PM]
FINANCE APPROVED 6-0 on 04/16/14
APPROVED 6-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, April 9, 2014

Present: Ald. Crossley (Chairman), Lennon, Albright, Danberg, and Laredo; absent: Ald. Gentile and Lappin; 1 vacancy

Re-appointment by His Honor the Mayor

- #91-14 **MARC RESNICK**, 57 Westgate Road, Newton Centre, re-appointed as a member of the DESIGN REVIEW COMMITTEE for a term to expire December 31, 2017
APPROVED 5-0

Re-appointment by the President of the Board

- #98-14 **PETER BARRER**, 24 Hazelton Road, re-appointed as a member of the DESIGN REVIEW COMMITTEE for a term of office to expire December 31, 2017.
APPROVED 5-0

REFERRED TO PUBLIC SAFETY & TRANS AND PUBLIC FACIL COMMITTEES

- #101-14 **COMMISSIONER OF PUBLIC WORKS** requesting discussion of proposed improvements at Winchester and Boylston Streets intersection that include installation of new traffic signal on the westerly side to be funded under the Mass Works Grant. [03-03-14 @ 3:03 PM]
PUBLIC SAFETY VOTED NO ACTION NECESSARY 6-0 on 04/09/14
NO ACTION NECESSARY 5-0

REFERRED TO PROG & SERV, PUBLIC FACIL, AND FINANCE COMMITTEES

- #127-14 **COMMUNITY PRESERVATION COMMITTEE** recommending the appropriation of \$200,000 from the Community Preservation Fund to the Parks & Recreation Department for final design and specifications to rehabilitate the Newton Highlands/Joseph Lee Playground between Winchester and Dedham Streets, as described by that department's November 2013 proposal and updated March 2014 funding request. [03/24/14 @ 3:10 PM]
FINANCE APPROVED 6-0 on 04/16/14
PROG & SERV APPROVED 4-0-3 (Blazar, Hess-Mahan, Sangiolo abstaining on 04/09/14)
APPROVED 5-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #126-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of \$134,535 from the Public Buildings Department Salaries Accounts to the Public Building Department Building Maintenance Accounts as follows:
- | | | |
|-------|----------------------|-----------|
| From: | 0111501-511001 | \$125,000 |
| | 0111502-511002 | \$2,889 |
| | 0111501-5197 | \$6,636 |
| To: | 0111502-52407 | \$134,525 |
- FINANCE APPROVED 6-0 on 04/16/14**
APPROVED 5-0

REFERRED TO FINANCE COMMITTEE

Wednesday, April 16, 2014

Present: Ald. Gentile (Chairman), Norton, Rice, Blazar, Fuller, and Lappin; absent: Ald. Ciccone, 1 vacancy; also present: Ald. Johnson and Leary

- #120-14 HIS HONOR THE MAYOR appointing WESLEY LAYNE as DIRECTOR OF HUMAN RESOURCES pursuant to Sec. 3-3 of the City Charter (30-days: 05/07/14). [04/03/14 @ 2:10 PM]
APPROVED 6-0

- #121-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of sixty-seven thousand dollars (\$67,000) from Information Technology Full-time Salaries Account to various technology capital projects including upgrading/replacing 45 computers, upgrades to the Aldermanic Chamber and War Memorial audio/visual equipment, and upgrading equipment for the Fire Department. [03/31/14 @ 3:59 PM]
APPROVED 5-0 (Norton not voting)

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

- #125-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of seventy five thousand dollars (\$75,000) from the Fire Rescue Full-Time Salaries Account to the Fire Vehicle Equipment Account to purchase a Ford 350 Cutaway Van, which will serve as the replacement of both the 2004 ambulance that was donated to the City and a 1994 Box Truck. 03/31/14 @ 3:59 PM]
PUBLIC SAFETY & TRANSPORTATION APPROVED 6-0 on 04/09/14
APPROVED 6-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#126-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thirty-four thousand five hundred thirty-five dollars (\$134,535) from the Public Buildings Department Salaries Accounts to the Public Building Department Building Maintenance Accounts as follows:

From:	0111501-511001	\$125,000
	0111502-511002	\$2,889
	0111501-5197	\$6,636
To:	0111502-52407	\$134,525

PUBLIC FACILITIES APPROVED 5-0 on 04/09/14
APPROVED 6-0

#123-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of ten thousand dollars (\$10,000) from the Parks and Recreation Department Full-time Wages Public Grounds Maintenance Account to the Parks and Recreation Department Construction Equipment Account to purchase a scarifier for field maintenance. [03/31/14 @ 3:59 PM]

APPROVED 6-0

REFERRED TO PROG & SERV, PUBLIC FACIL, AND FINANCE COMMITTEES

#127-14 COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of \$200,000 from the Community Preservation Fund to the Parks & Recreation Department for a final design and specifications to rehabilitate the Newton Highlands/Joseph Lee Playground between Winchester and Dedham Streets, as described by that department's November 2013 proposal and updated March 2014 funding request. [03/24/14 @ 3:10 PM]

PUBLIC FACILITIES APPROVED 5-0 on 04/09/14
PROGRAMS & SERVICES APPROVED 4-0-3 (Blazar, Hess-Mahan, Sangiolo abstaining) on 04/09/14

APPROVED 6-0

#122-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of forty thousand dollars (\$40,000) from Financial Information Systems Department Full-time Salaries Account to a newly created account in the Financial Information Systems Department for the purpose of funding development of a software bridge between the City's Finance Plus System and the MUNIS system for water/sewer account reconciliations. [03/31/14 @ 3:59 PM]

APPROVED 6-0

#124-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of ten thousand dollars (\$10,000) from the Executive Office Full-time Salaries Account as follows:

Purchasing Full-time Salaries
(01105-01-511001) \$6,000
History Museum Full-time Salaries
(0160301-51101)..... \$4,000

APPROVED 6-0

#384-11(5) HIS HONOR THE MAYOR requesting authorization to transfer the sum of five thousand dollars (\$5,000) from Fiscal Year 2015 Budget Reserve to the Planning & Development Department for the purpose of funding an appraisal of the former Parks and Recreation property at 70 Crescent Street. [03/31/14 @ 3:59 PM]

APPROVED AS AMENDED 6-0 FROM FY14 BUDGET RESERVE

#7-13(3) HIS HONOR THE MAYOR requesting authorization to transfer the sum of five thousand dollars (\$5,000) from Fiscal Year 2015 Budget Reserve to the Planning & Development Department for the purpose of funding an appraisal of the Manet Road Reservoir area. [03/31/14 @ 3:59 PM]

APPROVED AS AMENDED 6-0 FROM FY14 BUDGET RESERVE
