

**IN BOARD OF ALDERMEN**

**BOARD ACTIONS**

Monday, November 16, 2015

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

Absent: Ald. Danberg & Yates

**THE BOARD OF ALDERMEN DISCUSSED AND VOTED THE FOLLOWING ITEMS ON SECOND CALL:**

**REFERRED TO LAND USE COMMITTEE**

- #150-15     ANTHONY DePASQUALE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to change an existing nonconforming use to another nonconforming use to convert an existing clubhouse to a multi-family dwelling with ~~five~~ four units, to waive one parking stall, and to allow parking within the front setback at 15 SOUTH GATE PARK, Ward 3, West Newton, on land known as SBL 33, 31, 9, containing  $\pm$ 14,120 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(d)(2), (g)(1), and (m) and 30-24(f) of the City of Newton Rev Zoning Ord, 2012. *(Public Hearing opened and continued on July 13 and August 4, 2015; postponed on October 19 to Date Certain of November 2)*  
**LAND USE COMMITTEE CLOSED HEARING; APPROVED 5-0-3 (Cote, Harney, Schwartz abstaining) on October 13, 2015**  
**MOTION TO APPROVE FAILED TO CARRY 13-9 on NOVEMBER 2 (Ald. Albright, Brousal-Glaser, Ciccone, Crossley, Danberg, Johnson, Lappin, Laredo, Leary, Lipof, Sangiolo, Schwartz, and Lennon voting in the affirmative; Ald. Baker, Blazar, Cote, Gentile, Harney, Hess-Mahan, Kalis, Norton, Rice opposed; Ald. Fuller and Yates absent).**  
**MOTION TO RECONSIDER FILED BY ALD. HESS-MAHAN ON NOVEMBER 2, 2015**  
**MOTION TO RECONSIDER APPROVED 15 YEAS, 7 NAYS (Ald. Blazar, Cote, Gentile, Harney, Norton, Rice, & Sangiolo), 2 ABSENT (Ald. Danberg & Yates)**  
**MOTION TO POSTPONE TO DATE CERTAIN OF DECEMBER 8, 2015 APPROVED BY VOICE VOTE**

Clerk's Note:

- REFERRED TO REAL PROPERTY REUSE COMMITTEE**  
 #384-11(4) **JOINT ADVISORY PLANNING GROUP and PLANNING & DEVELOPMENT DEPARTMENT** filing their separate reports pursuant to Ordinance Sec. 2-7(2)b) identifying alternatives for the future use of the former Parks & Recreation site at 70 Crescent Street, Auburndale, which was declared surplus by the Board of Aldermen on February 6, 2012. (*Public Hearing opened and closed on February 26, 2013.*)  
**REAL PROPERTY REUSE APPROVED 6-0 on OCTOBER 27**

**ITEM POSTPONED ON NOVEMBER 2 TO DATE CERTAIN OF NOVEMBER 16, 2015**

MOTION TO AMEND RESOLUTION #3 TO STRIKE THE WORD APPROXIMATELY IN THE LAST SENTENCE AND REPLACE WITH "A MINIMUM OF" APPROVED BY VOICE VOTE

MOTION TO AMEND RESOLUTION #4 BY STRIKING THE TEXT AFTER THE WORDS "EIGHT UNITS" APPROVED BY VOICE VOTE

MOTION TO AMEND RESOLUTION #6 BY ADDING A NEW SECOND SENTENCE "THE CITY SHALL CONTINUE TO PURSUE THE ACQUISITION OF THE ADJACENT EVERSOURCE PROPERTY FOR FURTHER EXPANSION OR ACCESS TO THE PLAYGROUND/OPEN SPACE AREA." WAS APPROVED BY VOICE VOTE

MOTION TO ADD RESOLUTION #7 "THE CITY OF NEWTON WILL CONTINUE TO WORK WITH MYRTLE BAPTIST CHURCH REGARDING THEIR NEED FOR ADDITIONAL PARKING AND THEIR NEED FOR ADDITIONAL MEANS OF EGRESS AND INGRESS TO THE CHURCH PROPERTY." WAS APPROVED BY VOICE VOTE

**MOTION TO APPROVE AS AMENDED 20 YEAS, 2 NAYS (ALD. BROUSAL-GLASER & NORTON), 2 ABSENT (ALD DANBERG & YATES)**

Clerk's Note:

- REFERRED TO LAND USE COMMITTEE**  
 #119-15 **AUSTIN STREET PARTNERS, LLC/CITY OF NEWTON** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to redevelop an existing municipal parking lot, declared surplus by the Board of Aldermen on February 6, 2012, into a mixed use residential building providing 68 units of housing, approximately 5,000 sf of commercial space, approximately 90 underground parking spaces appurtenant to the proposed residences and commercial space and 127 public parking spaces at grade at 28 AUSTIN STREET, Ward 2, Newtonville, on land known as SBL 24, 9, 15, containing approximately 74,480 sf of land in a district zoned MIXED USE 4. Ref: Sec. 30-24, 30-23, 30-21(b), 30-15(w)(2), (w)(4)b), 30-15 Table 3, 30-13(h), (h)(2) Table B, 30-13(j)(1), (2), and (3), 30-19(d)(2), (10), (11), (12), and (13), 30-19(e), 30-19(h)(1), (2)a) and b), 30-19(i)(1) and (2),

30-19 (j)(1), 30-19 (k); 30-19 (l) Table 3, and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

**HEARING CLOSED; LAND USE APPROVED 6-1-1 (Cote opposed; Harney abstaining)**

**MOTION TO RECOMMIT TO THE LAND USE COMMITTEE TO BE TAKEN UP ON NOVEMBER 24 WAS APPROVED BY VOICE COTE**

Clerk's Note:

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 2 ABSENT (Ald. Danberg & Yates) TO TAKE THE FOLLOWING ACTIONS:**

**REFERRED TO ZONING & PLANNING COMMITTEE**

Monday, November 9, 2015

- #293-15     11 JOHN STREET LLC petition to rezone land known as Section 65, Block 8, Lot 70 at 11 JOHN STREET from MULTI RESIDENCE 1/BUSINESS 1 to BUSINESS 1. [10/09/15 @1:00PM]  
**HEARING CONTINUED; HELD 7-0**
- #227-15     SEANA GAHERIN et al. petition to rezone land known as Section 51, Block 041, Lot 0011 from MULTI RESIDENCE 1 to BUSINESS 1. [09/03/15 @ 1:15 PM]  
**ZONING & PLANNING APPROVED 7-0**  
**PLANNING & DEVELOPMENT BOARD APPROVED 3-0 (Wyner abstaining)**
- #23-15(2)     ACTING DIRECTOR OF PLANNING & DEVELOPMENT requesting amendments to the official zoning map in order to correct discrepancies between Board of Aldermen actions and the boundaries of zoning districts as shown on the map and to better align zoning district boundaries with property lines and other features to reduce the number of split lots and other map anomalies as follows:
1. Change from SR2/SR3 to SR2:  
120 Olde Field Road     SBL 81-051-0050E  
71 Brandeis Road     SBL 81-051-0062
  2. Change from SR2/SR3 to SR3:  
127 Olde Field Road     SBL 81-051-0050C  
84 Brandeis Road     SBL 81-051-0050D  
76 Brandeis Road     SBL 81-051-0063  
61 Brandeis Road     SBL 81-051-0061
  3. Change from SR3 to SR1:  
121 Rachel Road     SBL 83-027-0043
- ZONING & PLANNING APPROVED 7-0**

**PLANNING & DEVELOPMENT BOARD APPROVED 3-0 (Wyner abstaining)**

**REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES**

- #296-15 HIS HONOR THE MAYOR requesting authorization of the addition of 1 FTE position in the Inspectional Services Department and authorization to transfer the sum of fifty thousand dollars (\$50,000) from Budget Reserve to the Full-time Salaries line item in the Inspectional Services Department budget to fund the addition of a full-time Building Inspector. [10/19/15 @ 11:54 AM]  
**FINANCE APPROVED 7-0 on 11/09/15**  
**ZONING & PLANNING APPROVED 7-0**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, November 4, 2015

- #300-15 MICHAEL ANTONELIS, 224 Calvary Street, Waltham, MA 02453, requesting renewal of **four (4) public auto licenses, forty-nine (49) taxi licenses, and five (5) designated taxi stands** for Veterans Taxi of Newton, LLC. [09/30/15 @ 2:14 PM]  
**PUBLIC SAFETY APPROVED 5-0**
- #301-15 RICHARD E. JOHNSTON, 25 Border Street, West Newton, MA 02465 requesting renewal of **twenty (20) taxi licenses and two (2) designated taxi stands** for Newton Yellow Cab, Inc. [10/01/15 @ 3:30 PM]  
**PUBLIC SAFETY APPROVED 5-0**
- #302-15 GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **three (3) taxi licenses and two (2) designated taxi stands** for Holden's Taxi Inc. [09/30/15 @ 4:15 PM]  
**PUBLIC SAFETY APPROVED 5-0**
- #303-15 GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **two (2) taxi licenses** for Newtonville Cab Co. Inc. [09/30/15 @ 4:15 PM]  
**PUBLIC SAFETY APPROVED 5-0**
- #304-15 GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **three (3) taxi licenses** for Newton Taxi Co. [09/30/15 @ 4:15 PM]  
**PUBLIC SAFETY APPROVED 5-0**
- #305-15 MOHAMED SAIDI, 77 Cedar Street, Boston, MA 02119, requesting renewal of **one (1) taxi license** for Newton Luxury Cab. [09/23/15 @ 10:59 AM]  
**PUBLIC SAFETY APPROVED 5-0**

- #306-15 ANIS LAHIANI, 8201 Inwood Drive, Woburn, MA 01801, requesting renewal of **one (1) taxi license** for Newton Town Taxi. [10/01/15 @ 1:27 PM]  
**PUBLIC SAFETY APPROVED 5-0**
- #307-15 DOROTHY W. DUNDAS, 15 Moreland Avenue, Newton Centre, MA 02459 requesting renewal of **one (1) public auto license** for Crystal Lake Express. [10/01/15 @ 10:40 AM]  
**PUBLIC SAFETY APPROVED 5-0**
- #308-15 JERALD ROBBINS, 253 Riverview Avenue, Newton, MA 02466, requesting renewal of **four (4) public auto licenses** for Weldon Group Inc. [10/06/15 @ 3:43 PM]  
**PUBLIC SAFETY APPROVED 5-0**
- #309-15 DONALD LaPLANTE, 395 Lexington Street, Auburndale, MA 02466, requesting renewal of **two (2) public auto licenses** for Don's Car Service. [10/13/15 @ 9:18 AM]  
**PUBLIC SAFETY APPROVED 5-0**
- #310-15 HAMDI TLILI, 12 Appleton Street, Waltham, MA 02453, requesting renewal of **one (1) public auto license** for Newton Car Service. [09/23/15 @ 9:33 AM]  
**PUBLIC SAFETY APPROVED 5-0**
- #185-15 ANDREW ROSABIANCA, 45 Smith Avenue, appealing the Approval of TC53-14 Traffic Council Decision on June 25, 2015: No parking, Smith Avenue, west side. (Ward 3) [Appeal filed 07/14/15]  
**PUBLIC SAFETY APPEAL APPROVED 5-0**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, November 4, 2015

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #133-15 HIS HONOR THE MAYOR requesting authorization to enter into negotiations for the potential lease on city properties for purposes of third-party construction, ownership, and operation of on-site renewable solar energy generation from which the City will purchase electric output and/or net metering credits. [05/11/15 @ 5:00 PM]  
**ITEM SPLIT INTO PART A AND PART B**  
***PART A – Ground mounted solar panels at Rumford Avenue landfill, solar panels mounted on new carport structures at 60 Elliot Street, all roof mounted solar panel locations with the exception of City Hall, which is removed from the list of sites for solar panels.***  
***PART B – Solar panels mounted on new carport structures at Newton South High School and solar panels mounted on new carport structures at the Library.***

**FINANCE APPROVED PART A 7-0; HELD PART B 7-0**  
**PUBLIC FACILITIES APPROVED PART A 8-0; HELD PART B 8-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #144-15(2) COMMUNITY PRESERVATION COMMITTEE recommending the release and appropriation to the Public Buildings Department to complete construction of the Museum Archives and Fire Suppression project, a total of one hundred thirty-two thousand nine hundred forty-three (\$132,943), including: release of \$39,452 in the Board of Aldermen's contingency fund, as created by Board Order #144-15 dated June 15, 2015; and appropriation of \$93,491 from the Community Preservation Fund, as recommended by the Community Preservation Committee on May 27, 2015 but not yet appropriated. [10/16/15 @ 3:09 PM]  
**FINANCE APPROVED 7-0 on 11/04/15**  
**PUBLIC FACILITIES APPROVED 7-0 (Gentile not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #284-15 HIS HONOR THE MAYOR requesting authorization to appropriate two hundred fifty thousand dollars (\$250,000) from bonded indebtedness for the purpose of funding mechanical upgrades and interior improvements at the main library. [09/28/15 @ 1:43 PM]  
**FINANCE APPROVED 7-0 on 11/04/15**  
**PUBLIC FACILITIES APPROVED 8-0**

- #82-15 ALD. SANGIOLO requesting the Public Works Department and the administration determine the cost if the City were to undertake complete sidewalk shoveling throughout the City, such costs might be charged back to residents with a fee. [03/12/15 @ 10:38 AM]  
**PUBLIC FACILITIES NO ACTION NECESSARY 8-0**

- #72-15 PUBLIC FACILITIES COMMITTEE requesting a discussion with the Administration and Department of Public Works about the extent of damage to the City resulting from the recent extreme winter conditions including roadways, sidewalks, infrastructure, buildings and how the City is preparing to cope with the needed repairs. [03/09/15 @ 4:22 PM]  
**PUBLIC FACILITIES NO ACTION NECESSARY 8-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #297-15 HIS HONOR THE MAYOR requesting an amendment to the Sewer Fund Revenue Budget by increasing the Estimated Sewer Fund Revenue Budget by one hundred seventeen thousand twenty-nine dollars (\$117,029) and decreasing the anticipated reimbursement from Water Fund by one hundred seventeen thousand twenty-nine dollars (\$117,029). [10/19/15 @ 11:54 AM]  
**FINANCE VOTED NO ACTION NECESSARY 6-0 ON 10/26/15**  
**PUBLIC FACILITIES NO ACTION NECESSARY 7-0 (Danberg not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #298-15 HIS HONOR THE MAYOR requesting an amendment to the Water Revenue Budget by increasing surplus revenue and decreasing the revenue forecast from water usage. [10/19/15 @ 11:54 AM]  
**FINANCE VOTED NO ACTION NECESSARY 6-0 ON 10/26/15**  
**PUBLIC FACILITIES NO ACTION NECESSARY 7-0 (Danberg not voting)**

**REFERRED TO FINANCE COMMITTEE**

Monday, November 9, 2015

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #144-15(2) COMMUNITY PRESERVATION COMMITTEE recommending the release and appropriation to the Public Buildings Department to complete construction of the Museum Archives and Fire Suppression project, a total of one hundred thirty-two thousand nine hundred forty-three (\$132,943), including: release of \$39,452 in the Board of Aldermen's contingency fund, as created by Board Order #144-15 dated June 15, 2015; and appropriation of \$93,491 from the Community Preservation Fund, as recommended by the Community Preservation Committee on May 27, 2015 but not yet appropriated. [10/16/15 @ 3:09 PM]  
**PUBLIC FACILITIES APPROVED 7-0 (Gentile not voting) on 11/04/15**  
**FINANCE APPROVED 7-0**

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- #284-15 HIS HONOR THE MAYOR requesting authorization to appropriate two hundred fifty thousand dollars (\$250,000) from bonded indebtedness for the purpose of funding mechanical upgrades and interior improvements at the main library. [09/28/15 @ 1:43 PM]  
**PUBLIC FACILITIES APPROVED 8-0 on 11/04/15**  
**FINANCE APPROVED 7-0**

- #133-15 HIS HONOR THE MAYOR requesting authorization to enter into negotiations for the potential lease on city properties for purposes of third-party construction, ownership, and operation of on-site renewable solar energy generation from which the City will purchase electric output and/or net metering credits. [05/11/15 @ 5:00 PM]  
**ITEM SPLIT INTO PART A AND PART B**  
**PART A – *Ground mounted solar panels at Rumford Avenue landfill, solar panels mounted on new carport structures at 60 Elliot Street, all roof mounted solar panel locations with the exception of City Hall, which is removed from the list of sites for solar panels.***  
**PART B – *Solar panels mounted on new carport structures at Newton South High School and solar panels mounted on new carport structures at the Library.***  
**PUBLIC FACILITIES APPROVED PART A 8-0; HELD PART B 8-0 on 11/04/15**

**FINANCE APPROVED PART A 7-0; HELD PART B 7-0****REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES**

#296-15 HIS HONOR THE MAYOR requesting authorization of the addition of FTE position in the Inspectional Services Department and authorization to transfer the sum of \$50,000 from Budget Reserve to the Full-time Salaries line item in the Inspectional Services Department budget to fund the addition of a full-time Building Inspector.

**ZONING & PLANNING APPROVED 7-0 on 11/09/15**

**FINANCE APPROVED 7-0**

#104-14 ALD. JOHNSON requesting that the Executive Department conducts a complete review and analysis of the policies governing data privacy and the security of resident/business information on the Treasurer's website to be followed with an action plan to protect residents' data to be completed by the end of FY2014.

**FINANCE NO ACTION NECESSARY 7-0**

**MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF THE FINANCE COMMITTEE TO REPORT THE FOLLOWING ITEM, WHICH WAS DISCUSSED IN COMMITTEE OF THE WHOLE EARLIER IN THE EVENING, WITHOUT A WRITTEN REPORT WAS APPROVED BY VOICE VOTE**

#315-15 DIRECTOR OF ASSESSMENT ADMINISTRATION submitting for Board of Aldermen review and approval the FY 16 Municipal Property Tax Levy Distribution Percentages among residential, open space, commercial and industrial classes of Real Property. [10/26/15 @ 1:20 PM]-

**PUBLIC HEARING ASSIGNED FOR NOVEMBER 16, 2016:**

**MOTION TO GO INTO A COMMITTEE OF THE WHOLE WAS APPROVED BY VOICE VOTE**

**MOTION IN COMMITTEE OF THE WHOLE TO APPROVE THE ITEM WITH A RESIDENTIAL FACTOR OF 0.906521 WAS APPROVED BY VOICE VOTE**

**A MOTION TO SUSPEND THE RULES TO ACCEPT AND REFER THE FOLLOWING LATE FILED DOCKET ITEM WAS APPROVED BY VOICE VOTE**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

#326-15 HIS HONOR THE MAYOR in accordance with Chapter 279 of the Acts of 1992 and Sec. 3-3 and 3-4 of the City Charter, appointing CAPTAIN DAVID MACDONALD as Chief of Police, appointed November 16, 2015, effective November 30, 2015. [11/16/15 @ 3:39 PM]



**PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:**

*Public hearing assigned for November 18, 2015*

#320-15 VERIZON NEW ENGLAND, INC. petitioning for a grant of location to relocate Pole No. P61/4 10' ± south of its existing location in TROY LANE to accommodate a new driveway for new homes at 29A and 29B Troy Lane. (Ward 5) [10/28/15 @ 10:41 AM]

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 2 NAYS (Ald. Johnson & Sangiolo), 2 ABSENT (Ald. Danberg & Yates) TO TAKE THE FOLLOWING ACTION:**

**REFERRED TO PUBLIC SAFETY AND PUBLIC FACILITIES COMMITTEES**

#310-10(4) PUBLIC FACILITIES COMMITTEE requesting an amendment to City of Newton Ordinances Chapter 26, Section 8D Trial program for removal of snow and ice from sidewalks. by extending the expiration date of the trial from November 1, 2015 to November 1, 2016. [10/21/15 @ 9:38 PM]

**PUBLIC FACILITIES APPROVED 8-0 on 11/04/15**

**PUBLIC SAFETY APPROVED 5-0**