

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, April 7, 2014

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

Absent: Ald. Baker & Johnson 1 Vacancy

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

REFERRED TO LAND USE COMMITTEE

#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 HEARING CLOSED; LAND USE APPROVED 6-2 (Harney, Lennon opposed)

ITEM CHARTERED BY ALD. ALBRIGHT

Clerk's Note: The Chair of the Land Use Committee presented the item. He noted that the property owner did not get the permits needed to construct a tiered retaining wall on the property that extended into the side setbacks and that the owner had come in for a special permit after the fact. The Chair stated that the Land Use Committee had looked at the legal standards that would have applied had the applicant come in for a special permit before building the retaining walls and approved the granting of the special permit because, although it was after the fact, the wall was structurally sound, built well with interlocking blocks, would have been allowed by-right if it had not extended into the side setback, did not cause any drainage issues on neighboring properties, would be a major expense for the property owner to remove, and might destabilize the structure, and the hill it was built into, if it was reduced in size or removed. He also noted that a landscaping plan was being worked out with the Planning Department to screen the walls to make them less visible to the neighbors.

Many Aldermen were unhappy that the project was built and completed without the necessary permits and wondered if the Board would have approved the project if it had come in for a special permit before it was built. The Board and the neighbors were not given the opportunity to review the project and express their concerns before the retaining walls were built. There was also concern by some that granting a special permit after the fact might be seen by other builders

as license to do what they want regardless of zoning and then come to the Board after the fact for approval and the Board would approve the project because it would be too costly to remove.

Ald. Albright was concerned that there were several Aldermen absent from the meeting who were not able to participate in the discussion and Chartered the item.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 2 ABSENT (Ald. Baker & Johnson), 1 VACANCY TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

Tuesday, March 18, 2014

- #55-14 NONANTUM NEIGHBORHOOD ASSOCIATION requesting a temporary license pursuant to Sec 30-6(k) of the City of Newton Ordinances to hold NONANTUM VILLAGE DAY on Sunday, June 1, 2014. Ref: 30-6(k) of the City of Newton Rev Zoning Ord, 2012.
LAND USE APPROVED 7-0 (Harney not voting)

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, March 24, 2014

Appointment by His Honor the Mayor

- #73-14 JOHN DOWNIE, Auburndale Avenue, Auburndale, appointed as a member of the URBAN DESIGN COMMISSION for a term to expire March 31, 2017.
(60 days 05/16/14) [03/10/14 @ 3:48PM]
ZONING & PLANNING APPROVED 5-0

Appointment by His Honor the Mayor

- #74-14 JAMES DOOLIN, 104 Fairway Drive, West Newton, appointed as a member of the URBAN DESIGN COMMISSION for a term to expire March 1, 2017.
(60 days 05/16/14) [03/10/14 @ 3:48PM]
ZONING & PLANNING APPROVED 5-0

Re-appointment by His Honor the Mayor

- #75-14 RICHARD GRIFFIN, 74 Bennington Street, Newton, re-appointed as a member of the URBAN DESIGN COMMISSION for a term to expire March 1, 2017.
(60 days 05/16/14) [03/10/14 @ 3:48PM]
ZONING & PLANNING APPROVED 5-0

Re-appointment by His Honor the Mayor

- #76-14 MICHAEL KAUFMAN, 24 Tuner Terrace, Newtonville, re-appointed as a member of the URBAN DESIGN COMMISSION for term to expire March 1, 2017. (60 days 05/16/14) [03/10/14 @ 3:48PM]
ZONING & PLANNING APPROVED 5-0

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, March 19, 2014

Appointment by His Honor the Mayor

#86-14 CHRIS STEELE, 702 Chestnut Street, Waban, appointed as a member of the URBAN TREE COMMISSION for a term to expire March 1, 2017.
(60 days 05/16/14) [03/10/14 @ 3:48PM]
PROGRAMS & SERVICES RECOMMEND APPROVAL 3-0 (Kalis, Hess-Mahan, Blazar and Baker not voting)

Appointment by His Honor the Mayor

#78-14 CHRISTOPHER K. MURPHY, 112 Grasmere Street, Newton, appointed as a member of the INSTITUTIONAL BIOTECHNOLOGY COMMITTEE for a term to expire March 31, 2017. (60 days 05/16/14) [03/10/14 @ 3:47 PM]
PROGRAMS & SERVICES RECOMMEND APPROVAL 3-0 (Kalis, Hess-Mahan, Blazar and Baker not voting)

Appointment by His Honor the Mayor

#82-14 THEKLA DIEHL, 102 Parker Avenue, Newton Highlands, appointed as a member of the BIOSAFETY COMMITTEE for a term to expire March 31, 2015.
(60 days 05/16/14) [03/10/14 @ 3:48PM]
PROGRAMS & SERVICES APPROVED 4-0 (Hess-Mahan, Blazar and Baker not voting)

Appointment by the President of the Board

#80-14 WILLIAM DIETRICH, 29 Osborne Path, Newton Centre, appointed as a member of the BIOSAFETY COMMITTEE for a term to expire April 1, 2016.
(60 days 05/16/14) [03/6/14 @ 12:29PM]
PROGRAMS & SERVICES APPROVED 4-0 (Hess-Mahan, Blazar and Baker not voting)

Appointment by the President of the Board

#81-14 GARY DU MOULIN, 24 Myerson Lane, Newton Centre, appointed as a member of the BIOSAFETY COMMITTEE for a term to expire April 1, 2017.
(60 days 05/16/14) [03/6/14 @ 12:29PM]
PROGRAMS & SERVICES APPROVED 4-0 (Hess-Mahan, Blazar and Baker not voting)

Re-appointment by His Honor the Mayor

#87-14 KATHERINE HOWARD, 84 Fenwick Road, Waban, re-appointed as a member of the URBAN TREE COMMISSION for a term to expire March 1, 2017.
(60 days 05/16/14) [03/10/14 @ 3:48PM]
PROGRAMS & SERVICES APPROVED 4-0 (Hess-Mahan, Blazar and Baker not voting)

Re-appointment by His Honor the Mayor

#88-14 BARBARA SMILEY, 1073 Walnut Street, Newton Highlands, re-appointed as a member of the URBAN TREE COMMISSION for a term to expire March 1, 2017. (60 days 05/16/14) [03/10/14 @ 3:48PM]
PROGRAMS & SERVICES APPROVED 4-0 (Hess-Mahan, Blazar and Baker not voting)

Re-appointment by His Honor the Mayor

#89-14 VAUNITA SCHNELL, 68 Stearns Street, Newton Centre, re-appointed as a member of the FARM COMMISSION for a term to expire March 31, 2017. (60 days 05/16/14) [03/10/14 @ 3:48PM]
PROGRAMS & SERVICES APPROVED 4-0 (Hess-Mahan, Blazar and Baker not voting)

Re-appointment by His Honor the Mayor

#90-14 JAMES HARPER, 59 Westminster Road, Newton, re-appointed as a member of the FARM COMMISSION for a term to expire March 31, 2017. (60 days 05/16/14) [03/10/14 @ 3:48PM]
PROGRAMS & SERVICES APPROVED 4-0 (Hess-Mahan, Blazar and Baker not voting)

#200-13 ALD. JOHNSON requesting a discussion with the Parks & Recreation Department and the Department of Public Works to establish a process for managing the placement and removal of City, for-profit, and non-profit signs advertising events. [05/28/13 @ 9:26 AM]
PROGRAMS & SERVICES NO ACTION NECESSARY 4-0 (Hess-Mahan, Blazar and Baker not voting)

REFERRED TO PROG. & SERV. AND PUBLIC SAFETY & TRANS COMMITTEES

#410-13 ALD. JOHNSON, ALBRIGHT AND LINSKY requesting discussion with the Parks & Recreation, Police, Fire and Law Departments regarding options to decrease vandalism at the Albemarle Park (Halloran Recreation Complex) before April, 2014 [11/12/13 @ 4:15 PM]
PUBLIC SAFETY & TRANSPORTATION VOTED NO ACTION NECESSARY ON 1/8/14
PROGRAMS & SERVICES NO ACTION NECESSARY 4-0 (Hess-Mahan, Blazar and Baker not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, March 19, 2014

#61-14 NSTAR ELECTRIC petitioning for a grant of location to install 196' ± of conduit and a new manhole in the sidewalk on WASHINGTON STREET from Manhole #8216 easterly to new Manhole #29794 then continuing to the intersection of Washington and Chestnut Streets. (Ward 3) [02-11-14 @ 10:47 AM]
PUBLIC FACILITIES APPROVED 6-0 (Gentile not voting)

Appointment by the President of the Board

#99-14 MARK SUSSER, 40 Harvard Street, Newtonville, appointed as a member of the DESIGN REVIEW COMMITTEE for a term of office to expire on December 31, 2017. [02-26-14 @ 2:36 PM]

PUBLIC FACILITIES APPROVED 7-0

Appointment by the President of the Board

#100-14 EVE M. TAPPER, 24 Nathan Road, Newtonville, appointed as a member of the DESIGN REVIEW COMMITTEE for a term of office to expire on December 31, 2017. [02-26-14 @ 2:36 PM]

PUBLIC FACILITIES APPROVED 7-0

Re-appointment by His Honor the Mayor

#95-14 JAMES POWERS, 11 Star Road, West Newton, re-appointed as a member of the DESIGNER SELECTION COMMITTEE for a term of office to expire on December 31, 2017. (60 days 05/16/14) [03-10-14 @ 3:46 PM]

PUBLIC FACILITIES APPROVED 6-0 (Lennon not voting)

#229-13(2) HIS HONOR THE MAYOR requesting acceptance of two easements on the property at 170 Needham Street per Condition #7 and #8 of Special Permit #229-13 approved on October 21, 2013: 1) a 10’ wide drain easement for the installation, repair, maintenance and replacement of a storm water drain, which now exists across the property without an easement and 2) an access easement for the purpose of maintenance, repair and replacement of structures within the South Meadow Brook Drain Easement. [03/10/14 @ 5:42 PM]

PUBLIC FACILITIES APPROVED 7-0

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

#106-14 HIS HONOR THE MAYOR requesting authorization to transfer and appropriate the sum of two million seven hundred thousand dollars (\$2,700,000) from the City’s Water Operating Reserve Fund to fund Water System Improvements for calendar year 2014. [03/17/14 @ 10:09 PM]

FINANCE APPROVED 6-0 (Lennon not voting) on 03/24/14

PUBLIC FACILITIES APPROVED 6-0 (Lennon not voting)

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

#107-14 HIS HONOR THE MAYOR requesting authorization to transfer the following funds into a capital account to purchase and install LED streetlights throughout the City:

| <u>Account</u> | <u>Amount</u> |
|--|---------------|
| Capital Stabilization – Bonded Capital Projects..... | \$887,346 |
| Capital Stabilization – Energy Conservation Projects..... | \$208,890 |
| Capital Stabilization – Unrestricted Capital Purposes..... | \$7,817 |

Receipts Reserved for Appropriation – Sale of Municipal Assets ...\$46,684
[03/17/14 @ 10:09 AM]

FINANCE APPROVED 7-0 AS AMENDED on 03/24/14
PUBLIC FACILITIES APPROVED 7-0

**A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF
THE PUBLIC FACILITIES COMMITTEE TO POLL HER COMMITTEE
TO MAKE THEIR VOTE CONSISTENT WITH THE FINANCE
COMMITTEE'S AMENDED AMOUNT WAS APPROVED BY VOICE
VOTE**

PUBLIC FACILITIES APPROVED AS AMENDED 7-0

Re-appointment by His Honor the Mayor

#92-14 WILLIAM ELDREDGE, 275 Nevada Street, Newton re-appointed as a member of the DESIGN REVIEW COMMITTEE for a term to expire on December 31, 2017. (60 days 05/16/14) [03-10-14 @ 3:46 PM]

PUBLIC FACILITIES APPROVED 6-0 (Lappin not voting)

Re-appointment by His Honor the Mayor

#93-14 JONATHAN KANTAR, 672 Chestnut Street, Newton Upper Falls, re-appointed to the Design Review Committee for a term of office to expire December 31, 2017. (60 days 05/16/14) [03-10-14 @ 3:46 PM]

PUBLIC FACILITIES APPROVED 6-0 (Lappin not voting)

Re-appointment by His Honor the Mayor

#94-14 ARTHUR COHEN, 79 Warren Street, Newton Centre re-appointed as a member of the DESIGN REVIEW COMMITTEE for a term of office to expire on December 31, 2017. (60 days 05/16/14) [03-10-14 @ 3:46 PM]

PUBLIC FACILITIES APPROVED 6-0 (Lappin not voting)

Re-appointment by His Honor the Mayor

#96-14 BENJAMIN TUCKER, 12 Nathan Road, Newton Centre, re-appointed as a member of the DESIGNER SELECTION COMMITTEE for a term of office to expire on December 31, 2017. (60 days 05/16/14) [03-10-14 @ 3:46 PM]

PUBLIC FACILITIES APPROVED 6-0 (Lappin not voting)

Re-appointment by the President of the Board

#97-14 ROBERT FRANCHI, 290 Adams Street, re-appointed as a member of the DESIGN REVIEW COMMITTEE for a term of office to expire on December 31, 2017. [02-26-14 @ 2:36 PM]

PUBLIC FACILITIES APPROVED 6-0 (Lappin not voting)

REFERRED TO FINANCE COMMITTEE

Monday, March 24, 2014

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

- #107-14 HIS HONOR THE MAYOR requesting authorization to transfer the following funds into a capital account to purchase and install LED streetlights throughout the City:

| <u>Account</u> | <u>Amount</u> |
|--|---------------|
| Capital Stabilization – Bonded Capital Projects | \$887,346 |
| Capital Stabilization – Energy Conservation Projects | \$208,890 |
| Capital Stabilization – Unrestricted Capital Purposes | \$7,817 |
| Receipts Reserved for Appropriation – Sale of Municipal Assets ... | \$46,684 |

[03/17/14 @ 10:09 AM]

PUBLIC FACILITIES APPROVED 7-0 on 03/19/14**FINANCE APPROVED AS AMENDED 7-0 @ \$1,300,736.47 &****ACCEPTANCE AND EXPENDITURE OF A \$250K GREEN COMMUNITY GRANT****PUBLIC FACILITIES APPROVED AS AMENDED 7-0**

- #317-03(8) HIS HONOR THE MAYOR requesting authorization to appropriate the sum of sixty-nine thousand six hundred seventeen dollars (\$69,617) from the Shaw's/Hammond Pond Development Mitigation Fund for the purpose of implementing storm water management on an existing drainage pipe owned by the Massachusetts Department of Conservation and Recreation per Condition #4 of Special Permit #401-03, approved on December 15, 2003. [03/10/14 @ 5:42 PM]

FINANCE APPROVED 7-0**REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES**

- #106-14 HIS HONOR THE MAYOR requesting authorization to transfer and appropriate the sum of two million seven hundred thousand dollars (\$2,700,000) from the City's Water Operating Reserve Fund to fund Water System Improvements for calendar year 2014. [03/17/14 @ 10:09 PM]

PUBLIC FACILITIES APPROVED 6-0 (Lennon not voting) on 03/19/14**FINANCE APPROVED 7-0**

- #105-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thousand dollars (\$100,000) from Budget Reserve for the purpose of covering the costs incurred as a result of the February 2014 Bond Sale. 03/17/14 @ 10:09 AM]

FINANCE APPROVED AS AMENDED 7-0 @ \$104,415.77

Re-appointment by His Honor the Mayor

#102-14 MATTHEW CHAO, 95 Columbia Avenue, re-appointed as a member of the NEWTON TAXATION AID COMMITTEE for a term of office to expire March 1, 2017 (60 days 05/16/14) [03-10-14 @ 3:46 PM]
FINANCE APPROVED 7-0

Re-appointment by His Honor the Mayor

#103-14 ROSEMARY LARKING, P.O. Box 620066, Newton Lower Falls re-appointed as a member of the NEWTON TAXATION AID COMMITTEE for a term of office to expire March 1, 2017 (60 days 05/16/14) [03-10-14 @ 3:46 PM]
FINANCE APPROVED 7-0

REFERRED TO REAL PROPERTY REUSE & ZONING & PLANNING COMMITTEES
JOINT MEETING

Tuesday, March 25, 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

REFERRED TO REAL PROPERTY REUSE COMMITTEE

Tuesday, April 1, 2014

#53-14 HIS HONOR THE MAYOR seeking an amendment of reuse board order #645-76, dated December 6, 1976, amended by board order #466-93, dated November 15, 1993, re the Newton Arts Center, 61 Washington Park, Newtonville, in order to allow execution of all necessary documents to subordinate the City's right of reverter in connection with a proposed loan to the Newton Arts Center.
REAL PROPERTY REUSE APPROVED 6-0-2 (Fuller, Gentile abstaining)

THE FOLLOWING PUBLIC HEARINGS WERE ASSIGNED:

Public Hearing to be assigned for May 13, 2014:

#109-14 GEORGE SALLES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NON CONFORMING STRUCTURE to construct a one-story kitchen addition containing approximately 200 square feet at the rear of an existing single-family dwelling, which will reduce the rear setback from 10.6 ft. to 8.5 ft., where 15 feet is required, at 11 SOLON STREET, Ward 5, Newton Highlands, on land known as SBL 81, 23, 5, containing approximately 7,589 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15 Table 1, 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

Public hearing to be assigned April 23, 2014:

#117-14 NATIONAL GRID petitioning for a grant of location to install and maintain 30' ± of 4" gas main in HEATHERLAND ROAD from the existing 4" gas main at 18 Heatherland Road 30' in a easterly direction to provide service to 65 Andrew Street. [03/17/14 @ 3:11 PM]

Public hearing to be assigned April 23, 2014:

#118-14 MICHAEL C. CHASE AND ARTHUR X. DUFFEY, Trustees of 190 Forest Avenue Realty Trust, c/o Rex Capital Advisors, 50 Park Row West, Suite 113, Providence, Rhode Island, petitioning for sewer main extension in FOREST AVENUE from an existing sewer manhole located near 177 and 180 Forest Avenue 260' ± southwesterly to a proposed sewer manhole in Forest Avenue. 03/31/14 @ 1:22 PM]

A MOTION TO SUSPEND THE RULES TO ALLOW THE FOLLOWING LATE FILED ITEM TO BE ACCEPTED TO THE DOCKET AND REFERRED TO THE PUBLIC SAFETY & TRANSPORTATION COMMITTEE WAS APPROVED BY VOICE VOTE

Appointment by His Honor the Mayor

#116-14 JEROME GRAFE, 21 Oakland Street, Newton Corner, appointed as an alternate member of TRAFFIC COUNCIL for a term to expire on April 15, 2017. (60 days 05/31/14) [04/01/14 @ 2:18 PM]

A MOTION TO SUSPEND THE RULES TO ALLOW THE FOLLOWING LATE FILED ITEM TO BE ACCEPTED TO THE DOCKET AND REFERRED TO THE FINANCE COMMITTEES WAS APPROVED BY VOICE VOTE

#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]

**A MOTION TO SUSPEND THE RULES TO ALLOW THE FOLLOWING LATE FILED
ITEM TO BE ACCEPTED TO THE DOCKET AND REFERRED TO THE PUBLIC
FACILITIES AND FINANCE COMMITTEES WAS APPROVED BY VOICE VOTE**

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 |