

REPORTS DOCKET

May 20: Land Use
May 27: Real Property Reuse
May 28: Finance, Zoning & Planning, Public Facilities

Continued
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Monday, May 19, 2014
7:45 PM, Newton City Hall
To be reported on
MONDAY, JUNE 2, 2014

CITY OF NEWTON

IN BOARD OF ALDERMEN

REFERRED TO LAND USE COMMITTEE

Tuesday, May 20, 2014

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

#212-12(2) MICHAEL SOKOLOWSKI, TRUSTEE of 1081 WASHINGTON STREET REALTY TRUST petition for ONE-YEAR EXTENSION of TIME, from December 17, 2013 to December 17, 2014 in which to EXERCISE Special Permit/Site Plan Approval #212-12, granted on December 17, 2013 for various waivers from the parking requirements of Sec. 30-19 in order to construct a new two-story building for retail use at 1081 WASHINGTON STREET, Ward 3, West Newton. Ref: Sec 30-24(c)(4) of the City of Newton Rev Zoning Ord, 2012.

APPROVED

Public Hearing continued from May 13:

#141-13(3) NITZAN GORDON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a retaining wall greater than four feet in front of an existing garage, which will lower the grade of an existing driveway to create a flatter surface, and to locate two parking stalls in the front setback at 74 NEWTONVILLE AVENUE, Newton, Ward 1, on land known as SBL 12, 21, 25C containing approx. 10,021 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-19(g)(1), 30-19(m), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; APPROVED 7-0-1 (Lennon abstaining)

Public Hearing continued from May 13:

#128-14 GEORGE M. & WALIA K. DUNGAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a one-story addition to the rear of an existing two-family home, which will increase the nonconforming Floor Area Ratio from .56 to .62, where .48 is the maximum allowed by right, at 50-52 NOBLE STREET, Ward 3, West Newton, on land known as SBL 44, 3, 3, containing approximately 6,235 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u)(2), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; APPROVED 8-0

REFERRED TO ZONING & PLANNING COMMITTEE

Wednesday, May 28, 2014

Present: Ald. Johnson (Chairman), Leary, Yates, Hess-Mahan, Sangiolo and Danberg
Absent: Ald. Baker and Kalis; Also Present: Ald. Norton, Harney, Albright, Crossley and Laredo

#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]

APPROVED 6-0

#47-14(2) SARAH QUIGLEY et al. petition to re-zone city-owned land located at 28 Austin Street, Ward 2, identified as Section 24, Block 9, Lot 15 from Mixed Use 4 district to either Public Use District or Business Use 1 District. [04/08/14 @ 12:31 PM]

NO ACTION NECESSARY 4-0-2 (Yates and Sangiolo abstaining)

#263-13 ALD. JOHNSON & ALBRIGHT requesting that the Planning Department document a clear and transparent process for the establishment of housing that complies with Massachusetts Chapter 40B statute so that citizens are knowledgeable of the steps needed, decision making points and decision makers. [07/15/13 @ 2:09PM]

HELD 5-0 (Yates not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, May 21, 2014

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

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

#201-14 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred thousand dollars (\$200,000) from Free Cash for the purpose of supplementing the Police Department's Overtime Account. [05/12/14 @ 4:48 PM]

APPROVED 5-0

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

#202-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of eighty thousand dollars (\$80,000) from the Fire Overtime Account to the following accounts:

Account	Description	Amount	Purpose
0121001-5319	Training	\$33,000	Tech Rescue Training
0121005-5412	Heating Oil	\$47,000	Heating Oil/Expenditures

FINANCE APPROVED 6-0 on 05-28-14

APPROVED 5-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, May 28, 2014

Present: Ald. Crossley (Chairman), Lennon, Albright, Gentile, Danberg, Laredo and Lappin; 1 vacancy; also present: Ald. Ciccone, Rice, Blazar, and Fuller

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#205-14 HIS HONOR THE MAYOR requesting authorization to use up to one million one hundred thousand dollars (\$1,100,000) in sewer operating reserve funds to implement the construction of the Project Area 2 portion of the sewer improvements as outlined in the Water/Sewer Strategic Plan. [05/12/14 @ 4:49 PM]

FINANCE APPROVED 6-0 on 05/28/14

APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#206-14 HIS HONOR THE MAYOR requesting authorization to borrow up to one million two hundred sixty-two thousand dollars (\$1,262,800) from the Massachusetts Water Resources Authority (MWRA) and authorization to expend an MWRA grant of one million thirty-three thousand dollars (\$1,033,200) as part of the MWRA interest free loan/grant program for the purpose of funding construction of the Project Area 2 portion of the sewer improvements as outlined in the Water/Sewer Strategic Plan. 05/12/14 @ 4:49 PM]

FINANCE APPROVED 6-0 on 05/28/14

APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#207-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of three hundred thousand dollars (\$300,000) within the Snow & Ice Control Accounts from Line Item 0140110, Account No. 513001 into Line Item 0140110, Account No. 5273 for the purpose of covering the final invoices for the 2013-2014 snow season. [05/12/14 @ 4:49 PM]

FINANCE APPROVED 6-0 on 05/28/14

APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#203-14 HIS HONOR THE MAYOR requesting the following year-end housekeeping items:

- A. Rescind the sum of \$90,000 voted under Board Order #109-12 for the repair of the windows at Fire Station #4 and appropriate \$50,000 from the Energy Stabilization Fund for the final solution
- B. Rescind the sum of \$1,000,000 voted under Board Order #255-13 for the Zervas Elementary School Feasibility Study and appropriate \$1,000,000 from the Capital Stabilization Fund/Override Sub Fund
- C. Rescind the sum of \$416,000 voted under Board Order #252-13 for the architectural design of Station 10/Wires Division and appropriate \$416,000 from the capital Stabilization Fund/Override Sub Fund. [05/12/14 @ 4:47 PM]

FINANCE APPROVED 6-0 on 05/28/14

APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#204-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of four hundred sixty-five thousand dollars (\$465,000) from bonded indebtedness for the purpose of replacing a staircase at the Bigelow Middle School in accordance with the City's Capital Improvement Plan. [05/12/14 @ 4:48 PM]

FINANCE APPROVED 6-0 on 05/28/14

APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#138-13(3) **HIS HONOR THE MAYOR** requesting authorization to reallocate the Carr Elementary School Renovation Project Budget to replenish funds for Mayor's Contingency Budget Line, as well as to cover the costs of various project related expenses as follows:

- \$40,000 from Electricity to Public Property Repair & Maintenance
- \$5,000 from Building Systems Commissioning to Mayor's Contingency
- \$5,120 from building System Commissioning to Consultants
- \$87,800 from Board of Aldermen Contingency to Mayor's Contingency

FINANCE APPROVED AS AMENDED 6-0 on 05/28/14

APPROVED AS AMENDED 5-0 (Albright, Danberg not voting) to include the reallocation of an additional \$50,000 from BOA contingency to the Mayor's contingency

Appointment by His Honor the Mayor

#141-14 **CAROLINE WILSON**, 39 Beethoven Avenue, Waban appointed to the Design Review Committee as the Community Representative for the Zervas Elementary School Project. (60 days 06/21/14) [04/01/14 @ 2:18 PM]

APPROVED 4-0 (Danberg, Gentile, Lappin not voting)

Appointment by His Honor the Mayor

#161-14 **KENNETH WHITE**, 30 Murray Road, West Newton, appointed as a member of the DESIGNER SELECTION COMMITTEE for term to expire on 12/31/2017. (60 days 07/04/14)

HELD 4-0 (Danberg, Gentile, Lappin not voting)

Appointment by His Honor the Mayor

#162-14 **ERIC BOBBY**, 334 Auburndale Avenue, Auburndale, appointed as a member of the SOLID WASTE COMMISSION for a term to expire on 04/30/17(60 days 07/04/14)

APPROVED 4-0 (Danberg, Gentile, Lappin not voting)

REFERRED TO FINANCE COMMITTEE

Wednesday, May 28, 2014

Present: Ald. Gentile (Chairman), Ciccone, Rice, Blazar, Fuller, and Lappin; absent: Ald. Norton, 1 vacancy; also present: Ald. Albright, Crossley, Danberg, Laredo, and Lennon

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#205-14 **HIS HONOR THE MAYOR** requesting authorization to use up to one million one hundred thousand dollars (\$1,100,000) in sewer operating reserve funds to implement the construction of the Project Area 2 portion of the sewer improvements as outlined in the Water/Sewer Strategic Plan.

PUBLIC FACILITIES APPROVED 7-0 on 05/28/14

APPROVED 6-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#206-14 HIS HONOR THE MAYOR requesting authorization to borrow up to one million two hundred sixty-two thousand dollars (\$1,262,800) from the Massachusetts Water Resources Authority (MWRA) and authorization to expend an MWRA grant of one million thirty-three thousand dollars (\$1,033,200) as part of the MWRA interest free loan/grant program for the purpose of funding construction of the Project Area 2 portion of the sewer improvements as outlined in the Water/Sewer Strategic Plan. [05/12/14 @ 4:49 PM]

PUBLIC FACILITIES APPROVED 7-0 on 05/28/14

APPROVED 6-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#207-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of three hundred thousand dollars (\$300,000) within the Snow & Ice Control Accounts from Line Item 0140110, Account No. 513001 into Line Item 0140110, Account No. 5273 for the purpose of covering the final invoices for the 2013-2014 snow season. [05/12/14 @ 4:49 PM]

PUBLIC FACILITIES APPROVED 7-0 on 05/28/14

APPROVED 6-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#203-14 HIS HONOR THE MAYOR requesting the following year-end housekeeping items:

- D. Rescind the sum of \$90,000 voted under Board Order #109-12 for the repair of the windows at Fire Station #4 and appropriate \$50,000 from the Energy Stabilization Fund for the final solution
- E. Rescind the sum of \$1,000,000 voted under Board Order #255-13 for the Zervas Elementary School Feasibility Study and appropriate \$1,000,000 from the Capital Stabilization Fund/Override Sub Fund
- F. Rescind the sum of \$416,000 voted under Board Order #252-13 for the architectural design of Station 10/Wires Division and appropriate \$416,000 from the capital Stabilization Fund/Override Sub Fund. [05/12/14 @ 4:47 PM]

PUBLIC FACILITIES APPROVED 7-0 on 05/28/14

APPROVED 6-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#204-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of four hundred sixty-five thousand dollars (\$465,000) from bonded indebtedness for the purpose of replacing a staircase at the Bigelow Middle School in accordance with the City's Capital Improvement Plan. [05/12/14 @ 4:48 PM]

PUBLIC FACILITIES APPROVED 7-0 on 05/28/14

APPROVED 6-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #138-13(3) HIS HONOR THE MAYOR requesting authorization to reallocate the Carr Elementary School Renovation Project Budget to replenish funds for Mayor's Contingency Budget Line, as well as to cover the costs of various project related expenses as follows:
- \$40,000 from Electricity to Public Property Repair & Maintenance
 - \$5,000 from Building Systems Commissioning to Mayor's Contingency
 - \$5,120 from building System Commissioning to Consultants
 - \$87,800 from Board of Aldermen Contingency to Mayor's Contingency
- [05/16/14 @ 10:08 AM]]
PUBLIC FACILITIES APPROVED AS AMENDED 5-0 (Albright, Danberg not voting) on 05/28/14
APPROVED AS AMENDED 6-0 to include the reallocation of an additional \$50,000 from BOA contingency to the Mayor's contingency
- #198-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of fifty thousand dollars (\$50,000) currently held by the City of Newton in a trust fund for the benefit of the Newton Highlands Community Development Center to the Newton Highlands Community Development Center. [05/12/14 @ 4:48 PM]
APPROVED 5-0 (Rice Recused)
- #199-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of forty thousand dollars (\$40,000) from Fiscal Year 2014 Budget Reserve to the City Clerk's Department's Office Furniture Account for the purpose of replacing broken or missing polling furniture and equipment. [05/12/14 @ 4:47 PM]
APPROVED 6-0
- #194-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred nineteen thousand two hundred fifty-nine dollars and forty-six cents (\$119,259.46) from Fiscal Year 2014 E-Rate Receipts – Schools to the Newton Public Schools. [05/12/14 @ 5:05 PM]
APPROVED 6-0
- #192-14 HIS HONOR THE MAYOR requesting authorization to expend a two hundred thousand dollars (\$200,000) reimbursable grant from the "Our Common Backyards" Grant Program and authorization to transfer the sum of fifty thousand dollars (\$50,000) from Fiscal Year 2014 Budget Reserve to the Parks and Recreation Department's budget for purpose of funding the City's share of the Emerson Playground Project, and in addition confirm that the Emerson Playground is in the custody of the Parks and Recreation Commission and is dedicated park land pursuant to the provisions Massachusetts General Law Chapter 45, Section 3.
[5/12/14 @ 4:48 PM]
APPROVED 6-0

- #193-14 HIS HONOR THE MAYOR requesting authorization to expend the sum of five thousand five hundred dollars (\$5,500) from the Law Department's Judgments and Settlements Account as full and final settlement of a claim by Safety Insurance Company that was a result of a collision involving a City of Newton vehicle. [05/12/14 @ 4:48 PM]
APPROVED 6-0

REFERRED TO ZONING & PLANNING & FINANCE COMMITTEES

- #214-12 ALD. DANBERG, BLAZAR, & SCHWARTZ proposing an ordinance which would enable the city to respond to properties which are so inadequately cared for, often by absentee owners, as to constitute a nuisance, not only to properties nearby but also to the public at large, with the understanding that timely intervention may help prevent the loss of such properties to severe neglect, excess accumulation of trash or unsightly collectables, inside or out, or even eventual abandonment. [07/10/12]
ZAP APPROVED 5-1-2 (Sangiolo opposed; Johnson and Hess-Mahan abstaining) on 02/10/14
APPROVED 6-0

- #195-14 HIS HONOR THE MAYOR requesting establishment of a gift account to accept and expend gifts totaling as much as \$30,000 annually from donations for the purpose of offsetting the costs incurred for programming and any associated administrative expenditures within the Veteran's Services Department. [05-12-14 @ 4:47 PM]
APPROVED 6-0

- #196-14 HIS HONOR THE MAYOR requesting authorization to accept and appropriate the sum of twenty-eight thousand fifty three dollars (\$28,053) from interagency agreements executed between the City of Newton and agencies of the Brookline-Newton-Waltham-Watertown Homelessness Consortium Continuum of Care for services provided by the City of Newton as the lead agency for this program. [05/12/14 @ 4:47 PM]
APPROVED 6-0

- #190-14 HIS HONOR THE MAYOR requesting authorization to expend a twenty-nine thousand seven hundred fifteen dollar (\$29,715) grant received from the Massachusetts Department of Transportation and the Metropolitan Area Planning Council for the purpose of administering a bicycle and pedestrian enforcement program. [05/13/14 @ 4:49 PM]
HELD 6-0

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #201-14 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred thousand dollars (\$200,000) from Free Cash for the purpose of supplementing the Police Department's Overtime Account.
PUBLIC SAFETY APPROVED 5-0 on 05/21/14
APPROVED 6-0

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

#202-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of eighty thousand dollars (\$80,000) from the Fire Overtime Account to the following accounts:

Account	Description	Amount	Purpose
0121001-5319	Training	\$33,000	Tech Rescue Training
0121005-5412	Heating Oil	\$47,000	Heating Oil/Expenditures

PUBLIC SAFETY APPROVED 5-0 on 05/21/14

APPROVED 6-0

#191-14 HIS HONOR THE MAYOR requesting authorization to enter into a five-year agreement for parking ticket processing services. [05/12/14 @ 4:47 PM]

APPROVED 6-0

#138-13(2) HIS HONOR THE MAYOR requesting that Board Order #138-13 be amended by rescinding a balance of one hundred eighteen dollars (\$118) that remains authorized but unissued debt for bond authorization to renovate the Carr Elementary School.

APPROVED 6-0

#195-98(2) HIS HONOR THE MAYOR requesting that Board Order #195-98 be amended by rescinding a balance of two million nine hundred ninety-five thousand seventy-two dollars and ninety-nine cents (\$2,995,072.99) that remains authorized but unissued debt for bond authorization to improve the sewer system infrastructure.

APPROVED 6-0

#197-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars (\$500,000) from the July 1, 2013 Certified Free Cash Account to the Workers' Compensation Insurance for the purpose of addressing a portion of the fund deficit resulting from the recognition of new long-term liabilities for workers' compensation cases that had not previously been classified as permanent and total disabilities. [05/12/14 @ 4:48 PM]

HELD 6-0

#208-14 HIS HONOR THE MAYOR requesting authorization to accept and expend a grant from the Metropolitan Area Planning Council (MAPC) in the amount of \$4,800 to pay a volunteer pedestrian coordinator to oversee the development and implementation of a parental survey of school-related trip making. [05-19-14 @ 12:09PM]

HELD 6-0

#209-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of Five Hundred Thousand Dollars (\$500,000) from the Retiree Health Insurance Account to the Rainy Day Stabilization Fund. 05-19-14 @ 1:32PM]

HELD 6-0

REFERRED TO REAL PROPERTY REUSE COMMITTEE

Tuesday, May 27, 2014

Present: Ald. Albright (Chairman), Ald. Crossley, Hess-Mahan Leary, Danberg, Fuller, and Gentile; absent: Ald. Laredo; also present: Ald. Yates, Norton, and Johnson

#71-09(3) **TERENCE P. MORRIS** on behalf of **HERRICK ROAD REALTY TRUST** seeking to amend Board Order #71-09(2) for a renewable lease for a subsurface easement beneath city-owned land 1294 Centre Street, Newton Centre, for vehicular access to 17-31 Herrick Road; the petitioner is seeking to purchase the easement.

HELD 7-0

#47-14(4) **ALD. ALBRIGHT & JOHNSON** proposing a RESOLUTION requesting His Honor the Mayor assure the redevelopment of the Austin Street parking lot is handled in a way that carries out the objectives of the Board of Aldermen's Reuse Board Order and fulfills all requirements of the city's special permit process, including community input, parking, traffic/circulation, architecture/massing/design, outdoor space, and site plan details

APPROVED 7-0

#47-14(3) **ALD. NORTON** proposing a RESOLUTION requesting His Honor the Mayor extend the time in which to choose proposals for the development of the Austin Street parking to afford applicants the opportunity to submit new proposals that are more consistent with the Board of Aldermen's intent in declaring the parcel surplus and with the preferences of the Newtonville community, such that in order to be considered new proposals must be limited to a height of three stories or less, include no more than forty units of housing, and include sufficient parking for current and future uses of Newtonville Square, including possible additions to existing structures and additional buildout of the area to the extent allowed by law.

MOTION TO APPROVE AS AMENDED FAILED 1-6 (Gentile voting in the affirmative; Albright, Crossley, Danberg, Fuller, Hess-Mahan, Leary opposed)

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, please contact the Newton ADA Coordinator, John Lojek, at least two days in advance of the meeting: jlojek@newtonma.gov or 617-796-1145. For Telecommunications Relay Service dial 711.