

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, June 16, 2014

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

Absent: Ald. Lappin 1 Vacancy

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

- #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 on April 22, 2014
A) to prohibit use of nicotine delivery products in places where use of tobacco products is prohibited.
PROGRAMS & SERVICES APPROVED 5-0-2 (Baker and Norton abstaining)
APPROVED 22 YEAS, 1 ABSENT (Ald. Lappin), 1 VACANCY
B) to regulate the sale of tobacco products and nicotine delivery products containing flavoring other than regular and menthol
PROGRAMS & SERVICES APPROVED 5-0-2 (Baker and Norton abstaining)
APPROVED 17 YEAS, 5 NAYS (Ald. Ciccone, Gentile, Harney, Norton, Lennon), 1 ABSENT (Ald. Lappin), 1 VACANCY

C) to increase the minimum age for purchasing tobacco and nicotine delivery products to 21

PROGRAMS & SERVICES APPROVED 6-1 (Hess-Mahan opposed)

APPROVED 13 YEAS, 9 NAYS (Ald. Albright, Ciccone, Cote, Hess-Mahan, Johnson, Laredo, Lipof, Sangiolo, Lennon), 1 ABSENT (Ald. Lappin), 1 VACANCY

D) to further regulate signage:

PROGRAMS & SERVICES APPROVED 5-0-2 (Baker and Norton abstaining)

APPROVED 22 YEAS, 1 ABSENT (Ald. Lappin), 1 VACANCY

E) to regulate minimum cigar pricing and packaging, blunt wrappers and roll-your-own machines

PROGRAMS & SERVICES APPROVED 5-0-2 (Baker and Norton abstaining)

APPROVED 17 YEAS, 5 NAYS (Ald. Ciccone, Cote, Gentile, Harney, Norton), 1 ABSENT (Ald. Lappin), 1 VACANCY

Clerk's Note: The Board of Aldermen referred this docket item back to the Programs & Services Committee on April 22, 2014 to discuss and vote the five components of the docket item individually. The Board voted each component separately.

It was reported by the Chair of the Programs & Services Committee that they had extensive public comment at one of their meetings on this item. Concern was raised over the age restriction. It was felt by some that the age limit will make no difference and that it will not be a deterrent for use. Taxes and restrictions on where you can smoke are more effective in deterring the use of tobacco. It was also felt that by restricting access to e-cigarettes, it would make it harder for young adults to take advantage of them as a way to quit tobacco. It was also noted that 18 year olds can serve their country, but won't be able to smoke a cigarette and that the drinking age of 21 has been a failure to deterring those under 21 from drinking.

Some felt that to increase the age to 21 was justified. It was of concern that with all of the educational materials about the dangers of smoking that are available to young people today, kids are still smoking. Newton needs to take a stand to say that smoking is harmful to your health. E-cigarettes and tobacco need to be treated exactly the same. Smoking is not a privilege, it is not a personal right issue, it is a health issue. Tobacco is a product that if used as directed always harms you. If raising the minimum age to 21 deters just one young adult from starting to smoke it is a benefit. It was note that many of the surrounding communities have already raised the minimum age to 21.

There was concern that this ordinance allows tobacco to be sold in some places and not others. Local convenience stores would be discriminated against as they will not be able to sell these products. If you have to be 21 to purchase these products, we have placed restrictions that will

need to be enforced by the convenience stores as well. It is placing a burden on residents to have to go to a tobacco or e-cigarette store to get them.

Others felt that by limiting where you can purchase flavored tobacco to a more limited number of stores will be a deterrent to using them and may help to reduce the use of tobacco and e-cigarettes. Lung cancer is one of the leading forms of cancer and anything we can do to reduce the use of these products is a benefit to the City.

The concern about flavored e-cigarettes is that flavors like bubblegum appeal to minors and are not going to be used by those that are trying to quit cigarettes. These flavors will be limited to tobacco only stores and not available in your local convenience store.

E-cigarettes are more expensive than regular cigarettes and once young adults who begin to use e-cigarettes get addicted to the nicotine and can't financially maintain this more expensive means of delivery, they will turn to the less expensive regular cigarettes to meet that need.

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]

ZONING & PLANNING APPROVED 5-1-2 (Sangiolo opposed; Johnson and Hess-Mahan abstaining) on 02/10/14

FINANCE APPROVED 6-0 May 28, 2014

ITEM POSTPONED ON JUNE 2 TO DATE CERTAIN OF JUNE 16, 2014

APPROVED 16 YEAS, 6 NAYS (Ald. Albright, Crossley, Harney, Hess-Mahan, Johnson, Sangiolo), 1 ABSENT (Ald. Lappin), 1 VACANCY

Clerk's Note: There was discussion both for and against this item. A transcript of the Programs & Services Committee meeting where this item was discussed with the Commissioner of Inspectional Services was provided on Aldermen's desks.

One of the concerns that was raised was the constitutional vagueness of the ordinance. For it to be sound it has to meet two criteria. First, it has to be understandable to a reasonable person to know what is forbidden. For the most part this ordinance is OK, but not great. The second part of the rule is that if there are problems with arbitrary enforcement than the ordinance will be void for vagueness. The Commissioner made it clear when he was in front of the committee that this will be contentious as it will get very personal as it will be neighbors complaining about neighbors. The inspectors will not be able to go onto someone's property to assess the situation if the owner does not allow them on the property. The Commissioner would be hesitant to send a notice of violation if it can't be determined how much junk is there. This is going to become a

matter of taste and pit neighbor against neighbor. There are only a handful of houses that fall into this category. There are other ways to deal with this.

It was noted that this ordinance is patterned after an ordinance that they have in Wellesley. There was only one law suit in the 10 years that Wellesley has had this in place. That lawsuit was thrown out. Newton and Wellesley both have hoarding task forces that help to deal with accumulation inside a home. This ordinance is for the excessive accumulation of stuff outside the house. Some call it junk, some call it art, but we need to have an ordinance so that we can use it as a tool. It is a way to start a conversation with the family. For the neighbors of these properties there is no recourse if there is no ordinance to deal with it.

It was felt that just because this ordinance may be difficult to enforce does not mean we should not do it. This ordinance is about respect for the community and respect for the neighbors. The committee worked with the Law Department to make the ordinance one that they could approve for form and character.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEARS, 2 ABSENT (Ald. Lappin and Baker), 1 VACANCY TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

Tuesday, June 3, 2014

Public hearing opened on April 8, continued to May 6, and continued to June 3:

#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 CLOSED; LAND USE APPROVED 3-0-2 (Crossley, Harney abstaining)

Public hearing opened on January 14, continued to February 11, continued to March 11, 201; continued to April 8; continued to May 1; continued to June 3:

#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.
HEARING CONTINUED TO JUNE 10, 2014

REFERRED TO LAND USE COMMITTEE

June 10, 2014

Public Hearings were held on the following petitions:

- #152-14 SEYED A. ZEKAVAT petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to enclose an existing parking area and walkway with a roof and erect an interior staircase at 1186 CHESTNUT STREET, Ward 5, Newton Upper Falls, on land known as SBL 51, 40, 23, containing approximately 5,412 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; LAND USE APPROVED 5-0 (Schwartz not votibg)
- #165-14 RICHARD D. SEWALL petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing single-family dwelling and construct two sets of two attached single-family dwellings for a total of four dwellings including waivers from the side-and rear-yard setback and lot coverage requirements and relief to locate a driveway within 10 feet of a side lot line at 3-5 AUBURN STREET, Ward 3, on land known as SBL 33, 3, 15 & 16, containing approximately 23,426 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(b)(5)a) and b), 30-15 Table 1, 30-15(b)(5)a) and b) of the City of Newton Rev Zoning Ord, 2012.
HEARING CONTINUED TO JULY 15, 2014
- #166-14 CREDERE VENTURES LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to enclose an existing carport in order to create a garage containing approximately 324 sf at 22 LENOX STREET, Ward 2, West Newton, on land known as SBL 32, 50, 5, containing approximately 9,353 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: 30-24, 30-23, 30-15 Table A, 30-15(u)(2), and 30-21(b) of the City of Newton Rev Zoning Ord, 2012.
HEARING CONTINEUD TO JULY 15, 2014 (Laredo recused)
- Public hearing opened on January 14, continued to February 11, continued to March 11, 201; continued to April 8; continued to May 1; continued to date to June 3, and continued to June 10:*
- #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.
HEARING CONTINUED TO JULY 15, 2014

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, June 4, 2014

Appointment by His Honor the Mayor

#172-14 ELIZA BETH, Woodcliff Road, Newton Highlands, appointed as a member of the YOUTH COMMISSION for a term to expire May 1, 2017 (60 days 7/18/14) [04/28/14 @ 4:33PM]

PROGRAMS AND SERVICES APPROVED 6-0 (Baker not voting)

Appointment by His Honor the Mayor

#173-14 ALEXA LYONS, Devonshire Road, Waban, appointed as a member of the YOUTH COMMISSION for a term to expire May 1, 2017 (60 days 7/18/14) [04/28/14 @ 4:33PM]

PROGRAMS AND SERVICES APPROVED 6-0 (Baker not voting)

Appointment by His Honor the Mayor

#174-14 ANTON MALIN, Howe Road, Newton Centre, appointed as a member of the YOUTH COMMISSION for a term to expire May 1, 2017 (60 days 7/18/14) [04/28/14 @ 4:33PM]

PROGRAMS AND SERVICES APPROVED 6-0 (Baker not voting)

Appointment by His Honor the Mayor

#175-14 JESSICA THARAUD, Watertown Street, appointed as a member of the YOUTH COMMISSION for a term to expire May 1, 2017 (60 days 7/18/14) [04/28/14 @ 4:33PM]

PROGRAMS AND SERVICES APPROVED 6-0 (Baker not voting)

Appointment by His Honor the Mayor

#176-14 JOHN KUSIAK, Ardmore Road, West Newton, appointed as a member of the YOUTH COMMISSION for a term to expire May 1, 2017 (60 days 7/18/14) [04/28/14 @ 4:33PM]

PROGRAMS AND SERVICES APPROVED 6-0 (Baker not voting)

Appointment by His Honor the Mayor

#177-14 MIRA LI, Fredana Road, Waban, appointed as a member of the YOUTH COMMISSION for a term to expire May 1, 2017 (60 days 7/18/14) [04/28/14 @ 4:33PM]

PROGRAMS AND SERVICES APPROVED 6-0 (Baker not voting)

Appointment by His Honor the Mayor

#178-14 SEUNGWAN KANG, Claflin Place, Newtonville, appointed as a member of the YOUTH COMMISSION for a term to expire May 1, 2017 (60 days 7/18/14) [04/28/14 @ 4:33PM]

PROGRAMS AND SERVICES APPROVED 6-0 (Baker not voting)

Appointment by His Honor the Mayor

#179-14 BEN SIMON, Lake Avenue, appointed as a member of the FARM COMMISSION for a term to expire May 31, 2017. (60 days 7/18/14) [05/12/14 @ 4:41PM]
PROGRAMS AND SERVICES APPROVED 6-0 (Baker not voting)

Re-appointment by His Honor the Mayor

#180-14 INDIRA DESAI, 14 Clements Road, Newton, re-appointed as a member of the ADVISORY COUNCIL OF HEALTH for a term to expire May 15, 2017. (60 days 7/18/14) [05/12/14 @ 4:41PM]
PROGRAMS AND SERVICES APPROVED 6-0 (Baker not voting)

Re-appointment by His Honor the Mayor

#181-14 LUCY CALDWELL-STAIR, Woodcliff Road, Newton Highlands, re-appointed as a Trustee of the JACKSON HOMESTEAD for a term to expire February 1, 2017.(60 days 7/18/14) [05/12/14 @ 4:41PM]
PROGRAMS AND SERVICES APPROVED 6-0 (Baker not voting)

Re-appointment by His Honor the Mayor

#182-14 MARIETTA MARCHITELLI, Waverley Avenue, Newton, re-appointed as a Trustee of the JACKSON HOMESTEAD for a term to expire February 1, 2017. (60 days 7/18/14) [05/12/14 @ 4:41PM]
PROGRAMS AND SERVICES APPROVED 6-0 (Baker not voting)

Re-appointment by His Honor the Mayor

#183-14 RUSSEL FELDMAN, Langley Road, Newton Centre, re-appointed as a Trustee of the JACKSON HOMESTEAD for a term to expire February 1, 2017. (60 days 7/18/14) [05/12/14 @ 4:41PM]
PROGRAMS AND SERVICES APPROVED 6-0 (Baker not voting)

#184-14 NEWTON ELECTION COMMISSION requesting the Board of Aldermen approve a change of polling location for Ward 2, Precinct 2 from the Cabot School to Cabot Park Village at 280 Newtonville Avenue, Newtonville. [05/12/14 @ 9:06AM]
PROGRAMS AND SERVICES APPROVED 6-0 (Baker not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, June 4, 2014

Appointment by His Honor the Mayor

#160-14 ALICIA WILSON, 77 Elinor Road, Newton Highlands, appointed as the resident member of the TRAFFIC COUNCIL pursuant to Section 19-25(i) of the City of Newton Revised Ordinances, 2012 for a term to expire on April 15, 2017. (60 days 07/04/14) [04/23/14 @ 4:09 PM]
PUBLIC SAFETY & TRANSPORTATION APPROVED 7-0 (Schwartz not voting)

- #187-14 POLICE DEPARTMENT, submitting reports of semi-annual taxi license/public auto inspections for review. [05/14/14 @ 12:37 PM]
PUBLIC SAFETY & TRANSPORTATION APPROVED 7-0 (Harney not voting)

REFERRED TO FINANCE COMMITTEE

Monday, June, 2014

- #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]
FINANCE APPROVED 5-0 (Norton not voting)
- #214-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of forty-one thousand two hundred ten dollars (\$41,210) from July 1, 2013 Free Cash and transfer the sum of one thousand six hundred sixty dollars from FY2014 Budget Reserve to supplement the Police Department's Police Vehicle Maintenance Gasoline Account. [05/27/14 @ 2:11 PM]
FINANCE APPROVED 5-0 (Norton not voting)
- #217-14 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of forty thousand dollars (\$40,000) from the Workers' Compensation Trust Fund for the settlement of a claim. [06/02/14 @ 10:05 AM]
FINANCE 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]
FINANCE NO ACTION NECESSARY 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]
FINANCE APPROVED 6-0
- #218-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of five hundred thousand dollars (\$500,000) from July 1, 2013 Certified Free Cash to the Rainy Day Stabilization Fund. [06/02/14 @ 10:05 AM]
FINANCE APPROVED 6-0

#219-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one thousand dollars (\$1,000) from the Executive Office Full-time Salaries Account to Veterans' Services Full-time Salaries Account to cover the accrued vacation payout for the Veterans' Services Officer. [06/02/14 @ 10:05 AM]

FINANCE APPROVED 6-0

#215-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of eleven thousand dollars (\$11,000) from Comptroller's Department Part-time Salaries Account to the Comptroller's Department Actuarial Services Account. [05/27/14 @ 2:11 PM]

FINANCE APPROVED 6-0

#163-14 BOARD OF ALDERMEN proposing to change the name of the *Aldermanic Scholarship Fund* to the *Anthony J. Salvucci Aldermanic Scholarship Fund* in recognition of his work in creating the scholarship fund in 1991 and promoting the scholarship fund during his years of service on the Board of Aldermen. [04/28/14 @ 12:35 PM]

FINANCE APPROVED 6-0

A MOTION TO SUSPEND THE RULES TO ALLOW THE COMMITTEE CHAIRS TO REPORT THE FOLLOWING TWO ITEMS THAT WERE DISCUSSED EARLIER IN THE EVENING AT A JOINT MEETING WITHOUT A WRITTEN REPORT WAS APPROVED BY VOICE VOTE

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#220-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thousand dollars (\$100,000) from the Human Resources Full-time Salaries Account to the following accounts:

Newton Public Schools Water\$50,000
City Hall Electricity\$50,000

06/02/14 @ 10:05 AM]

PUBLIC FACILITIES APPROVED 4-0

FINANCE APPROVED 6-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#221-14 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of two million six hundred ten thousand dollars (\$2,610,000) from bonded indebtedness for the purpose of completing energy efficiency projects at several municipal and school buildings in accordance with the City's Capital Improvement Plan. 06/02/14 @ 10:05 AM]

PUBLIC FACILITIES APPROVED 5-0

FINANCE APPROVED 6-0

A MOTION TO SUSPEND THE RULES TO ACCEPT THE FOLLOWING THIRTEEN (13) LATE FILED DOCKET ITEMS AND REFER THEM TO COMMITTEES WAS APPROVED BY VOICE VOTE

REFERRED TO ZONING & PLANNING COMMITTEE

#237-14 ALD. SANGIOLO on behalf of concerned citizens requesting a one-year moratorium on the demolition of single- and two-family homes. [06/12/14 @ 10:45AM]

REFERRED TO ZONING & PLANNING COMMITTEE

#238-14 ALD. SANGIOLO requesting the Executive Department and Planning Department work with the Board of Aldermen to develop a Housing Production Plan in accordance with 760 CMR 56.03(4) and guidelines adopted by the Department of Housing and Community Development as soon as possible. [06/09/14 @ 11:55AM]

REFERRED TO LAND USE COMMITTEE

#214-13(2) LINDA J. HEFFNER requesting a One-Year Extension of Time in which to Exercise Special Permit #214-13, granted on July 15, 2014, for an accessory apartment in the loft of an existing detached carriage house and for exterior alterations (reconfiguring existing dormers) at 15 FARLOW ROAD, Ward 7, Newton; said Extension will run from July 15, 2014 to July 15, 2014. Ref: 30-24(c)(5) of the City of Newton Rev Zoning Ord, 2012.

REFERRED TO FINANCE COMMITTEE

#250-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of twelve thousand dollars (\$12,000) from the Parks & Recreation Overtime and the sum of six thousand dollars (\$6,000) from Account to Parks & Recreation Seasonal Wages to the Parks & Recreation Motor Vehicle Repair and Maintenance to fund the repair services for forestry vehicles. [06/16/14 @11:17 AM]

REFERRED TO FINANCE COMMITTEE

#251-14 HIS HONOR THE MAYOR requesting authorization to expend a mini grant from the Community Health Network Area 18 in the amount of one thousand dollars (\$1,000) for the purpose of funding a summer health program focused on mosquito and tick borne disease prevention and skin cancer prevention. [06/16/14 @11:17 AM]

REFERRED TO FINANCE COMMITTEE

#252-14 HIS HONOR THE MAYOR requesting authorization to expend a grant from the federal government in the amount of seventeen thousand dollars (\$17,000) for the purpose of funding police overtime costs incurred during the Boston Marathon. [06/16/14 @11:17 AM]

REFERRED TO FINANCE COMMITTEE

#253-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of four thousand dollars from Executive Office Full-time Salaries: two thousand dollars (\$2,000) to the Executive Office Printing Account and two thousand dollars (\$2,000) to the Executive Office Printing Account to address shortfalls in those accounts. [06/16/14 @11:17 AM]

REFERRED TO FINANCE COMMITTEE

#254-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of seventy thousand dollars (\$70,000) from Fiscal Year 2015 Budget Reserve to the Human Resources Full-time Salaries Account to fund a full-time Recruiting Manager position within the Human Resources Department. [06/16/14 @11:17 AM]

REFERRED TO FINANCE COMMITTEE

#255-14 HIS HONOR THE MAYOR recommending that 1316 Beacon Street, 1330 Beacon Street, and 1338 Beacon Street, including trees and structures on the properties, be acquired through purchase or takings by eminent domain for the purpose of expanding the Zervas Elementary School site. [06/16/14 @11:17 AM]

REFERRED TO FINANCE COMMITTEE

#256-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two million seven hundred thousand dollars (\$2,700,000) from the Capital Stabilization Fund-Operating Override Account Fund for purposes of funding all costs associated with the acquisition of 1316 Beacon Street, 1330 Beacon Street, and 1338 Beacon Street including any relocation obligations the City may have pursuant to Massachusetts General Law Chapter 79A. [06/16/14 @11:17 AM]

REFERRED TO FINANCE COMMITTEE

#257-14 HIS HONOR THE MAYOR requesting approval of the following mentioned sidewalk/driveway apron and/or curb betterments; said betterments to be levied under the provisions of MGL Chapter 83, Sec. 26, authorizing the assessment of betterments for construction:

	Property Owner(s)	Property Address/ S-B-L	Book Page	Betterment Amount
1.	ZEITELS STEVEN M	100 Bellevue Street 13-010-0004	44830 542	\$3,332.50
2.	SAPERS AVIVA E and SYDNEY JUDITH T	115 Bellevue Street 12-021-0034	44381 145	\$2,260.00
3.	MEHRA VIVEK MEHRA HEATHER M WAKEFIELD MARIA T and WAKEFIELD JOHN D	217 Bellevue Street 12-023-0008	36196 346	\$2,640.00
4.	RABY BENJAMIN A and ROSENBLATT JACALYN	16 Country Club Road 81-011-0003	50565 569	\$2,617.50

5.	GOULD JACK BARRY and GOULD DIANA S	26 Country Club Road 81-011-0004	22755 423	\$3,415.00
6.	HALPERN KENNETH and HALPERN DIANE J	95 Country Club Road 81-002-0002	35886 401	\$3,580.00
7.	BUDIN DAN and BUDIN ALINA AS TRUSTEES OF 150 COUNTRY CLUB ROAD REALTY TRUST	150 Country Club Road 82-010-0001	35714 44	\$2,672.50
8.	LESTER DAVID B and LESTER LAURA L	151 Country Club Road 82-011-0005C	26911 551	\$2,977.50
9.	KESSEL CAROLE A TRUSTEE OF 44 CROSS HILL ROAD REALTY TRUST	44 Cross Hill Road 82-013-0012	54606 282	\$2,617.50
10.	KATZ JEFFREY E and KATZ PHYLLIS C	50 Cross Hill Road 82-013-0011	15712 181	\$2,755.00
11.	RAUDSEPS JURIS G and RAUDSEPS ILZE	24 Fountain Street 32- 046-0009	11859 171	\$3,520.00
12.	BUTANEY EDNA and BUTANEY KRISHNA	410 Newtonville Avenue 22-005-0014	52998 535	\$2,287.50
13.	MATTHEWS CHERYLANN	Unit A, 40-42 Summit Street 12-021-0027	48804 86	\$3,000.00
14.	KREEFT PETER J and KREEFT MARIA M	44 Davis Avenue 31-014-0018	11539 402	\$4,487.50
15.	THILL DAVID M and THILL LAUREN L	12 Kingsbury Road 63-026-0007	34626 467	\$3,992.50
16.	CARDOZA EDWARD H JR and SCHUSTER JANET A	1701 Commonwealth Avenue 32-025-0001	1006 43 Certificate of Title No. 175193	\$3,387.50

[06/16/14 @11:17 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#258-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of three hundred forty thousand dollars (\$340,000) from bonded indebtedness for the purpose of purchasing a large and a medium construction truck for the Department of Public Works in accordance with the City's Capital Improvement Plan. [06/16/14 @11:17 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#259-14 HIS HONOR THE MAYOR recommending that the Board of aldermen acquire a permanent and temporary drain and sewer easement through an eminent domain taking in the private land of Lasell College from Aspen Avenue to Seminary Avenue, a distance of 320' ±, and award damages to Lasell College in the

amount of five thousand five hundred dollars (\$5,500) to be appropriated from the Law Department Settlements and Judgments Account.

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public Hearing Assigned for July 15, 2014:

#222-14 DENISE & PETER STAUBACH petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to remove an existing attached garage and breezeway and to construct a two-stall garage, sunroom and $\frac{3}{4}$ bath with two bedrooms above, which will increase the Floor Area Ratio from .42 to .54, where .48 is the maximum allowed by right, at 29 WEDGEWOOD ROAD, Ward 3, WEST NEWTON, on land known as SBL 31, 20, 14 containing approximately 4,501 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing Assigned for July 15, 2014:

#223-14 BERNARD BUNNER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a dormer above a new interior staircase between the second and third floors and to raze an existing detached garaged, which is 2½ feet from the side lot setback, and to construct a new smaller detached garage maintaining the 2½ foot side setback though closer to the rear of the property, which although not encroaching further into the setback will alter an already nonconforming setback, at 454 WALNUT STREET, Ward 2, NEWTONVILLE, on land known as SBL 22, 4, 19 , containing approximately 12,063 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(t)(2), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing Assigned for July 15, 2014:

#224-14 DEBORAH PIERCE & STEPHEN TISE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING USE to construct an attached two-story addition with a two-car garage with living space above onto an existing two-family dwelling, which will increase the Floor Area Ratio from .45 to .70, where .55 is the maximum allowed by right and to increase the maximum lot coverage from 31.3% to 39.1%, where 30% is the maximum required, at 126-128 WESTLAND AVENUE, Ward 3, WEST NEWTON, on land known as SBL 33, 34A, 10, containing approximately 5,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 30-24, 30-23, 30-21(b), 30-15 Table 1, 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing Assigned for July 15, 2014:

#225-14 WABORA NEWTON LLC/MONTROSE 1229-1249 CENTRE LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive five parking stalls for a 19-seat sushi restaurant at 1247-1259 CENTRE STREET, Ward 6, NEWTON CENTRE, on land known as SBL 64, 28, 25, containing approximately 1,427 sq.

ft. of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-19(d)(13), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing Assigned for July 15, 2014:

#226-14 ALAN MAYER, MAYER & ASSOCIATES ARCHITECTS/DAWNE VOGHT & JOHN RYAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to construct an approximately 1,300 sq. ft. addition to the rear of an existing single-family dwelling, which will increase the Floor Area Ratio from .31 to .48, where .42 is the maximum allowed by right, at 21 LARCHMONT AVENUE, Ward 5, WABAN, on land known as SBL 54, 7, 3, containing approximately 7,593 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table A, 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing Assigned for July 15, 2014:

#227-14 GAIL SILLMAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to build out the third floor to the same floor area as the second floor, which will increase the Floor Area Ratio from .53 to .65, where .44 is the maximum allowed by right, and to add a second bay to an existing 398 sq. ft. garage to create a garage exceeding 700 sq. ft. at 64 PERKINS STREET, Ward 3, WEST NEWTON, on land known as SBL 32, 12, 42, containing approximately 6,157 sq. ft. in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u)(2), 30-15 Table 1, 30-21(b), 30-8(b)(7) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing Assigned for July 15, 2014:

#228-14 GONGXIONG WU petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing attached garage and breezeway and construct a new one-stall garage with a master suite and one bedroom above it, maintaining the existing nonconforming side setback but vertically extending the nonconforming side setback, and to construct an office and bath in the attic, which will increase the nonconforming Floor Area Ratio from .40 to .47, where .38 is the maximum allowed by right, at 102 McCARTHY ROAD, Ward 8, NEWTON CENTRE on land known as SBL 84, 27, 6, containing approximately 10,033 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. 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.

Public Hearing Assigned for July 29, 2014:

#229-14 MICHAEL & DENA RASHES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to add approximately 2,372 sq. ft. to the rear of an existing dwelling, which is nonconforming as to height, and to relocate the existing detached garage from the western side of the property to the eastern side of the property and to construct an attached three-car garage, including waivers from preservation and conservation restrictions and amend special permit #127-80(2), at 93 BELLEVUE STREET, Ward 1, NEWTON, on land known as SBL 12, 21, 39 and 40, containing

approximately 93,923 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-8(b)(7), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2012.

Public Hearing Assigned for July 29, 2014:

#423-13(2) PROFESSIONAL PERMITS/KEY POINT PARTNERS LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for four signs, which relief includes waiving the size restrictions for a principal wall sign; locating a secondary wall sign on the same wall as the principal wall sign; waiving the size restriction for a secondary wall sign; and waiving the number of secondary signs to allow a third secondary sign, for PETSMAART at 215 NEEDHAM STREET, Ward 5, NEWTON UPPER FALLS on land known as SBL 51, 28, 8G containing approximately 70,847 sq. ft. of land in a district zoned MULTI USE 1. Ref: Sec 30-24, 30-23, 30-20(f)(1), (2), and 30-20(1) of the City of Newton Rev Ord, 2012, and Special Permits #610-89 and 610-89(2).

Public Hearing Assigned for July 29, 2014:

#230-14 CHESTNUT HILL SHOPPING CENTER LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to hold a temporary and seasonal open air farmers' market selling artisan foods and select crafts at 1-55 BOYLSTON STREET (THE STREET), Ward 7, CHESTNUT HILL, on land known as SBL 63, 37, 18A, 26, 27, 22, 25, containing approximately 20 acres of land in districts zoned BUSINESS 1 and 4. Ref: Sec 30-24, 30-23, 30-11(c), 30-11(d)(10) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing Re-Assigned from July 15, 2014 to July 29, 2014:

#318-13(3) RODNEY D. FARNSWORTH III petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to create an accessory apartment in part of an finished living space in the basement at 161 EDINBORO STREET, Ward 2, NEWTONVILLE on land known as SBL 21, 23 18, containing approximately 17,496 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(h)(2) of the City of Newton Rev Zoning Ord, 2012.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 18 YEAS, 3 NAYS (Ald. Gentile, Harney & Laredo), 2 ABSENT (Ald. Lappin and Baker), 1 VACANCY TO TAKE THE FOLLOWING ACTION:

REFERRED TO FINANCE

#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. [
APPROVED 4-2 (Cicccone, Gentile opposed)]

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 1 RECUSED (Ald. Hess-Mahan), 2 ABSENT (Ald. Lappin and Baker), 1 VACANCY TO TAKE THE FOLLOWING ACTION:

REFERRED TO LAND USE COMMITTEE

#164-14 PETER SACHS for LORI BERKOWITZ & SCOTT R. PERMAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mudroom addition containing approximately 170 square feet to the rear of an existing attached garage, which will increase the existing nonconforming Floor Area Ratio from .45 to .46, exceeding the .35 maximum allowed by right, at 37 FERNCROFT ROAD, Ward 5, Waban, on land known as SBL 53, 7, 15, containing approximately 12,659 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15(u)(2), 30-15 Table A, and 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; APPROVED 5-0 (Schwartz not voting)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 1 RECUSED (Ald. Kalis), 2 ABSENT (Ald. Lappin and Baker), 1 VACANCY TO TAKE THE FOLLOWING ACTION:

#213-14A&B BOSTON COACH TRANSPORTATION request for annual renewal of the Boston College Bus Licenses. There are no changes proposed to last year's licenses. [05/22/14 @ 3:19 PM]

APPROVED AS AMENDED 7-0 (Harney not voting)