

REPORTS DOCKET

June 3: Land Use
June 4: Programs & Services; Public Safety & Transportation
June 9: Finance; Zoning & Planning
June 10: Land Use

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Monday, June 2, 2014
7:45 PM, Newton City Hall
To be reported on
MONDAY, JUNE 16, 2014

CITY OF NEWTON

IN BOARD OF ALDERMEN

UNFINISHED BOARD BUSINESS

Item Postponed on June 2 to Date Certain of June 16, 2014:

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

REFERRED TO LAND USE COMMITTEE

Tuesday, June 3, 2014

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

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; 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

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

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; APPROVED 5-0 (Schwartz not votibg)

#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)

#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 ZONING & PLANNING COMMITTEE

Monday, June 9, 2014

Present: Ald. Johnson (Chairman), Danberg, Kalis, Yates, Baker and Hess-Mahan

Absent: Ald. Sangiolo and Leary

#54-14 ALD. ALBRIGHT AND JOHNSON requesting discussion with the Commissioner of Inspectional Services to discuss monitoring compliance with the legally designated seat capacity in Newton's restaurants.

[02/14/14 @ 3:06 PM]

HELD 6-0

REFERRED TO ZONING & PLANNING, LAND USE & FINANCE COMMITTEES

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

HELD 6-0

#80-13 THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project. [02/25/13 @ 12:31 PM]

HELD 6-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, June 4, 2014

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

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]

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]

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]

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]

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]

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]

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]

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]

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]

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]

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]

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]

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]
APPROVED 6-0 (Baker not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #200-14 COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of two hundred eight thousand seven dollars (\$208,007) from the Community Preservation Fund's historic resources fund balance or reserve, to the control of the Jackson Homestead, for repair of tombs in the East Parish Burying ground (Centre & Cotton Streets), as detailed in the proposal submitted in November 2013 and revised in April 2014. [05/08/14 @ 11:01 AM]
FINANCE TO MEET
APPROVED 6-0 (Baker not voting)

- #60-14 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) to prohibit use of nicotine delivery products in places where use of tobacco products is prohibited
APPROVED 5-0-2 (Baker and Norton abstaining)
B) to regulate the sale of tobacco products and nicotine delivery products containing flavoring other than regular and menthol
APPROVED 5-0-2 (Baker and Norton abstaining)
C) to increase the minimum age for purchasing tobacco and nicotine delivery products to 21
APPROVED 6-1 (Hess-Mahan opposed)
D) to further regulate signage:
APPROVED 5-0-2 (Baker and Norton abstaining)
E) to regulate minimum cigar pricing and packaging, blunt wrappers and roll-your-own machines
APPROVED 5-0-2 (Baker and Norton abstaining)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, June 4, 2014

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

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]
APPROVED 7-0 (Schwartz not voting)

#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)

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

REFERRED TO FINANCE COMMITTEE

Monday, June, 2014

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

#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]
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]
APPROVED 5-0 (Norton not voting)

#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 (Ciccone, Gentile opposed)

- #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]
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]
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]
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]
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]
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]
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]
APPROVED 6-0

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.