

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, July 14, 2014

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

Absent: Ald. Harney and Rice 1 Vacancy

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

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 friendly takings ~~eminent domain~~ for the purpose of expanding the Zervas Elementary School site. [06/16/14 @11:17 AM]

FINANCE APPROVED AS AMENDED 5-0-1 (Norton abstaining)

MOTION TO REFER BACK TO FINANCE COMMITTEE WAS APPROVED BY VOICE VOTE

Clerk's Note: The Chair of the Finance Committee reported the item and moved to refer the item back to the Finance Committee. He felt that more discussion was needed on this item and the related item for funding #256-14. He asked that the items be taken up in September in a Committee of the Whole so that all Board members could participate in the discussion.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 2 ABSENT (Ald. Harney and Rice), 1 VACANCY TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

Tuesday, June 17, 2014

A public hearing was held on the following item:

#167-14 GARDEN REMEDIES/697 WASHINGTON STREET TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to operate a Registered Marijuana Dispensary and to waive two parking stalls; to allow parking in the front setback; and to exceed the allowable horizontal projection of a secondary sign at 697 WASHINGTON STREET, Ward 2, NEWTONVILLE, on land known as SBL 23, 19, 1B, containing approximately 16,669 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-36, 30-19(d)(10), 30-19(h)(1), 30-19(m), and 30-20(j)(2) of the City of Newton Rev Zoning Ord, 2012.

HEARING CONTINUED TO DATE TO BE DETERMINED IN SEPTEMBER

REFERRED TO LAND USE COMMITTEE

Tuesday, June 25, 2014

A public hearing was held on the following item:

#210-14 135 WELLS AVENUE LLC requesting an amendment to the Wells Avenue restrictive covenant as established in Board Order #276-68(3), as amended, as it relates to parcel E-2 at 135 Wells Avenue, to allow creation of a multi-family housing building and co-working space and to accept mitigation funds in accordance with MGL c.44 s. 53A under the terms and conditions described in an application from Cabot, Cabot & Forbes dated May 27, 2014.

PUBLIC HEARING CONTINUED TO DATE TO BE DETERMINED IN OCTOBER

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, June 23, 2014

Appointment by His Honor the Mayor

#232-14 BARBARA COUTURIER, 24 Channing Road, Newton Centre, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 31, 2017 (60 days 08/15/14) [06/09/14 @ 3:08PM]

ZONING & PLANNING APPROVED 7-0-1 (Hess-Mahan abstaining)

Appointment by His Honor the Mayor

#233-14 DAVID SWANSON, 29 Boylston Road, Newton Highlands, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 31, 2017 (60 days 08/15/14) [06/09/14 @ 3:08PM]

ZONING & PLANNING APPROVED 8-0

Appointment by His Honor the Mayor

#234-14 HOWARD BARNSTONE, 26 Brackett Road, Newton Centre, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 31, 2017 (60 days 08/15/14) [06/09/14 @ 3:08PM]

ZONING & PLANNING APPROVED 8-0

Appointment by His Honor the Mayor

#235-14 JOYCE PLOTKIN, 250 Hammond Pond Parkway, Chestnut Hill, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire May 31, 2017 (60 days 08/15/14) [06/09/14 @ 3:08PM]

ZONING & PLANNING APPROVED 8-0

Appointment by His Honor the Mayor

#236-14 BARBARA HUGGINS, 122 Albemarle Road, Newtonville, appointed as a member of the ZONING BOARD OF APPEALS for a term to expire February 7, 2016 (60 days 08/15/14) [06/09/14 @ 3:08PM]

ZONING & PLANNING APPROVED 8-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, June 18, 2014

Appointment by His Honor the Mayor

#239-14 SHADI ARYANPOUR, 15 Laura Road, Waban, appointed as a member of the COMMUNITY EDUCATION COMMISSION for a term to expire May 31, 2016. (60 days 08/15/14) [06/09/14 @ 3:10PM]

PROGRAMS & SERVICES APPROVED 4-0 (Kalis not voting)

Appointment by His Honor the Mayor

#240-14 JOYCE LEONARDO, 22 Bowen Street, Newton Centre, appointed as a member of the COMMUNITY EDUCATION COMMISSION for a term to expire May 31, 2016. (60 days 08/15/14) [06/09/14 @ 3:10PM]

PROGRAMS & SERVICES APPROVED 4-0 (Kalis not voting)

Re-appointment by His Honor the Mayor

#241-14 JEFFREY HERRMANN, 111 Exeter Street, West Newton, appointed as a LIBRARY TRUSTEE for an appointment to expire June 30, 2019. (60 days 08/15/14) [06/09/14 @ 3:10PM]

PROGRAMS & SERVICES APPROVED 4-0 (Kalis not voting)

Appointment by His Honor the Mayor

#242-14 BARBARA MELTZ, 78 Leeson Lane, Newton Centre, appointed as a LIBRARY TRUSTEE for an appointment to expire June 30, 2019. (60 days 08/15/14) [06/09/14 @ 3:10PM]

PROGRAMS & SERVICES APPROVED 4-0 (Kalis not voting)

Re-appointment by His Honor the Mayor

#243-14 BARBARA DARNELL, 296 Lake Avenue, Newton Highlands, re-appointed as a member of the URBAN TREE COMMISSION for a term to expire May 1, 2017 (60 days 08/15/14) [06/09/14 @ 3:08PM]

PROGRAMS & SERVICES APPROVED 4-0 (Kalis not voting)

Re-appointment by His Honor the Mayor

#244-14 BETH WILKINSON, 14 Trowbridge Street, Newton Centre, re-appointed as a member of the URBAN TREE COMMISSION for a term to expire May 1, 2017 (60 days 08/15/14) [06/09/14 @ 3:08PM]

PROGRAMS & SERVICES APPROVED 4-0 (Kalis not voting)**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, June 18, 2014

#186-14 WARD 4 ALDERMEN, appealing the Traffic Council Decision TC18-14 approved on April 17, 2014 re Auburndale Village Parking District Plan: Central

Street between Leighton Road and Auburn Street. (Ward 4) [05/07/14 @ 9:51 PM]

PUBLIC SAFETY APPEAL APPROVED AS AMENDED 5-0, Cote and Schwartz not voting

#185-14 ALD. CICCONE AND FULLER, requesting a discussion with the Chief of Police regarding the Police Staffing Study Report, completed in April 2014. [05/07/14 @ 10:22 PM]

PUBLIC SAFETY NO ACTION NECESSARY 7-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, June 18, 2014

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 December 31, 2017. (60 days 07/04/14) [04/23/14 @ 4:09 PM]

PUBLIC FACILITIES APPROVED 4-0 (Danberg, Lappin not voting)

#245-14 NATIONAL GRID petitioning for a grant of location to install and maintain 110' ± of 4" gas main in RACHEL ROAD from the existing 4" gas main at the intersection of Upland Avenue northerly to #74 Rachel Road. (Ward 8) [05/12/14 @ 12:22 PM]

PUBLIC FACILITIES APPROVED 5-0 (Lappin not voting)

#246-14 NATIONAL GRID petitioning for a grant of location to install and maintain 562' ± of 2" gas main in HAGEN ROAD from the existing 2" gas main located in front of 99 Hagen Road easterly to 145 Hagen Road. (Ward 8) [06/02/14 @ 1:18 PM]

PUBLIC FACILITIES APPROVED 5-0 (Lappin not voting)

#247-14 MICHAEL KAUFMAN, 15 Bontempo Road, Newton Centre, petitioning for a main drain to be constructed in HAGEN ROAD from the existing manhole in front of 137 Hagen Road 45' + easterly to a proposed manhole at 145 Hagen Road. (Ward 8) [06/09/14 @ 3:03 PM]

PETITIONER TO PAY ENTIRE COST

PUBLIC FACILITIES NO ACTION NECESSARY 5-0 (Lappin not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#249-14 HIS HONOR THE MAYOR requesting authorization to accept and expend the sum of four hundred sixty-five thousand dollars (\$465,000) in Federal Emergency Management Agency grant funds for the design and construction of the Hammond Brook culvert repairs and authorization to expend the sum of one hundred fifty-five thousand dollars (\$155,000) from the Storm Water Reserve Fund as the City's 25% matching obligation. [06/09/14 @ 3:03 PM]

FINANCE APPROVED 6-0 on 06/23/14

PUBLIC FACILITIES APPROVED 5-0 (Lappin not voting)

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]
FINANCE APPROVED 6-0 on 06/23/14
PUBLIC FACILITIES APPROVED 5-0 (Lappin not voting)

REFERRED TO FINANCE COMMITTEE

Monday, June 23, 2014

- #248-14 HIS HONOR THE MAYOR requesting authorization to expend the sum of twenty-five thousand dollars (\$25,000) from the Law Department Legal Claims and Settlements Account as full and final settlement of NSTAR Electric & Gas Corporation's File No. 11-698 and Middlesex Superior Court Civil Action No. 2012-04941. [06/09/14 @ 3:03 PM]
FINANCE APPROVED 6-0

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]
PUBLIC FACILITIES APPROVED 5-0 (Lappin not voting) on 06/18/14
FINANCE APPROVED 6-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #249-14 HIS HONOR THE MAYOR requesting authorization to accept and expend the sum of four hundred sixty-five thousand dollars (\$465,000) in Federal Emergency Management Agency grant funds for the design and construction of the Hammond Brook culvert repairs and authorization to expend the sum of one hundred fifty-five thousand dollars (\$155,000) from the Storm Water Reserve Fund as the City's 25% matching obligation. [06/09/14 @ 3:03 PM]
PUBLIC FACILITIES APPROVED 5-0 (Lappin not voting) on 06/18/14
FINANCE APPROVED 6-0

#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	1701 Commonwealth Avenue	1006 43	\$3,387.50

	and SCHUSTER JANET A	32-025-0001	Certificate of Title No. 175193	
--	----------------------	-------------	---------------------------------------	--

FINANCE APPROVED 6-0

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

FINANCE APPROVED 6-0

#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]

FINANCE APPROVED 6-0

#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]

FINANCE APPROVED 6-0

#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]

FINANCE APPROVED 6-0

#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 Posting Account to address shortfalls in those accounts. [06/16/14 @11:17 AM]

FINANCE APPROVED 6-0**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 History Museum, 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]

PROGRAMS & SERVICES APPROVED 6-0 on 06/04/14

FINANCE APPROVED 6-0

THE FOLLOWING ITEM WAS DISCUSSED IN A JOINT MEETING OF THE PUBLIC FACILITIES AND FINANCE COMMITTEES EARLIER IN THE EVENING:

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 FACILITIES APPROVED 5-0 (Lappin not voting) on 06/18/14
FINANCE HELD 6-0

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIRS OF THE PUBLIC FACILITIES AND FINANCE COMMITTEES TO REPORT THE ITEM WITHOUT A WRITTEN REPORT WAS APPROVED BY VOICE VOTE

THE ITEM WAS SPLIT INTO A & B

#259-14 (A) TAKING ORDER AND DAMAGES

PUBLIC FACILITIES APPROVED 5-0 (Lappin not voting) on 06/18/14
FINANCE APPROVED 6-0

#259-14 (B) AUTHORIZATION TO ENTER AGREEMENT WITH LASELL AND TRANSFER OF \$50,000 FROM SEWER RESERVE ACCOUNT TO SEWER LEGAL SETTLEMENTS ACCOUNT TO FUND THE \$5,500 IN DAMAGES RELATED TO TAKING AND A MAXIMUM OF \$44,500 FOR PHOTOVOLTAIC SOLAR SYSTEM FOR LASELL VILLAGE BUILDING PER AGREEMENT

PUBLIC FACILITIES APPROVED 7-0
FINANCE APPROVED 6-0

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public Hearing assigned for September 9, 2014:

#260-14 **HENRY J. & DENISE S. DELICATA** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to create two tandem parking stalls within the front and side setbacks (on the right side) of an existing two-family dwelling at 358-360 NEVADA STREET, Ward 1, on land known as SBL 14, 16, 44, containing approximately 7,140 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-19(g)(1) and (2), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for September 9, 2014:

#261-14 STEVEN & JOYCE HYNDS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a retaining wall greater than 4 feet within the rear setback of an existing two-family dwelling at 53-55 CHASKE AVENUE, Ward 4, on land known as SBL 41, 28, 41 and 42, containing approximately 11,250 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.

Public hearing assigned for August 11, 2014:

##259-14(2) CITY ENGINEER petitioning for the extension of four common sewers in:

- (1) STUDIO ROAD from an existing sewer stub in Woodland Road at Studio Road southerly for 950' ± to a proposed manhole in Studio Road
- (2) ASPEN AVENUE from an existing sewer stub located in Lasell Village easterly for 240' ± within an easement thence turning southerly on Aspen Avenue for 1,160' ± to a proposed manhole in Aspen Avenue.
- (3) HAWTHORNE AVENUE from a proposed manhole at 96 Hawthorne Avenue southerly for 160' ± thence turning westerly for 120' ± within an existing easement in Hawthorne Avenue thence turning northerly within an existing easement in Hawthorne Avenue 240' ± to a proposed manhole at the intersection of Hawthorne Avenue and Aspen Avenue.
- (4) HAWTHORNE AVENUE from an existing manhole in Hawthorne Avenue southwesterly for 320' ± to a proposed manhole at 63 Hawthorne Avenue. (Ward 4) [07/07/14 @ 9:50 AM]

Public hearing assigned for September 3, 2014:

#267-14 NATIONAL GRID petitioning for a grant of location to install and maintain 115' ± of 4" gas main in OSSIPPEE ROAD from an existing 4" gas main at Linden Street easterly to 89 Ossippee Road. (Ward 5) [06/25/14 @ 12:58 PM]

Public hearing assigned for September 3, 2014:

#268-14 NATIONAL GRID petitioning for a grant of location to install and maintain 200' ± of 6" gas main in EDWARD ROAD from an existing 6" gas main in Derby Street northerly to 15 Derby Street. (Ward 3) [06/23/14 @ 2:49 PM]