

IN BOARD OF ALDERMEN

BOARD ACTIONS

Tuesday, January 22, 2013

Present: Ald. Albright, Baker, Blazar, Crossley, Danberg, Fischman, Fuller, Gentile, Harney, Hess-Mahan, Johnson, Kalis, Laredo, Lappin, Linsky, Rice, Salvucci, Sangiolo, Schwartz, Swiston, Yates and Lennon

Absent: Ald. Ciccone and Merrill

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

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

#333-12 ALD. CROSSLEY AND HESS-MAHAN, on behalf of Green Decade Newton, requesting a discussion and possible Resolution, asking that Newton join the Center for Biological Diversity's Clean Air Campaign by sending a Resolution to the US Administration and Environmental Protection Agency urging them to assert and enforce certain provisions of the nation's Clean Air Act in order to help communities achieve cuts in greenhouse gas pollution. [10/11/12 @ 5:05PM]
APPROVED 4-0 SUBJECT TO SECOND CALL

MOTION TO RECOMMIT TO PROGRAMS AND SERVICES WAS APPROVED BY VOICE VOTE

Clerk's Note: Concern was expressed over the Board's involvement in national issues as well as some of the language of the proposed resolution and the boilerplate nature of the text. The item was recommitted to the Programs & Services Committee for further discussion.

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

#18-13 HIS HONOR THE MAYOR in accordance with Chapter 279 of the Acts of 1992 submitting the Chief of Police Search Committee members.

- (A) Alderman Allan Ciccone, Jr., Chair, Public Safety and Transportation
- (B) Gary Bearfield, Citizen appointed by Board of Aldermen
- (C) Officer Eddie LaValle, Newton Police Association
- (D) Seana Gahein, Business Executive
- (E) Laura Holt, Esquire
- (F) Honorable Conrad J. Bletzer, Retired Judge
- (G) ~~Stephen Unsworth~~, Chief James Hicks MA Police Chief's Association
- (H) Associate Professor Nathan Phillips, Citizen
- (I) Darrell Settles, Citizen
- (J) David MacDonald, Newton Superiors Police Association

APPROVED AS AMENDED 6-0, (Ciccone recused, Yates not voting)

APPROVED 16 YEAS, 6 NAYS (Ald. Crossley, Danberg, Hess-Mahan, Johnson, Sangiolo, Schwartz), 2 ABSENT (Ald. Ciccone and Merrill)

Clerk's Note: Concern was expressed that given the recent allegations by women in the Police Department that there were not more women on the search committee.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 3 ABSENT (Ald. Baker, Ciccone and Merrill) TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

Tuesday, January 15, 2013

Public Hearings were held on the following items:

#415-12 DAVID & CAROLINE ALTMAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a new kitchen and family room addition with a deck, increasing the Floor Area Ratio from .33, which is allowed, to .36 at 37 COLUMBINE ROAD, Ward 8, on land known as SBL 82, 19, 5, containing approximately 15,415 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15(u)(1) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; APPROVED 7-0

#416-12 MAIN GATE REALTY LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and CHANGE in a NONCONFORMING USE for a yoga and life coaching business and to locate 5 parking stalls in the front setback with a 3-foot drive width and to erect a freestanding sign at 242-244 COMMONWEALTH AVENUE, Ward 7, and *in addition* to allow office, service, retail, or medical office as a future use and to waive 2 required parking stalls for future conversion to medical office use at 242-244 COMMONWEALTH AVENUE, on land known as SBL 61, 13, 11, containing approximately 7,452 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(g)(1), (g)(3), 30-19(d)(12), and 30-19(m), 30-20(e)(4), 30-20(l), of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; HELD 7-0

#417-12 CHESTNUT HILL SHOPPING CENTER, LLC/C&R REALTY TRUST petition for a SPECIAL PERMIT /SITE PLAN APPROVAL for a comprehensive sign package at 1-55 BOYLSTON STREET, Ward 7, CHESTNUT HILL, on land known as Sec. 63, Blk. 37, Lots 18A, 22, 25, 26, 27 in a district zoned BUSINESS 4. Ref: 30-24, 30-23, 30-20(l) of the City of Newton Rev Zoning Ord, 2012. Ref: Sec 30-24, 3-23, 30-20(f)(1), (f)(2), (f)(3), and (f)(9) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; HELD 7-0

- #363-12 AUBURNDALE SERVICE CENTER, LLC d/b/a AUBURNDALE MOBIL
2105 Commonwealth Avenue
Auburndale 02466
APPROVED 7-0
- #370-12 L. A. AUTO BODY, INC.
41 Los Angeles Street
Nonantum 02458
APPROVED 7-0
- #373-12 NEW ENGLAND MOTOR MART, INC.
1221-1229 Washington Street
West Newton 02465
APPROVED 7-0
- #375-12 NEWTON CENTRE SHELL, INC.
1365 Centre Street
Newton Centre 02459
APPROVED 7-0
- #365-12 NAJIM AZAD & YOUSUF AZADZOI d/b/a AZAD MOTORS GALLERIA
280 California Street
Newton 02458
APPROVED 7-0
- #372-12 MAP DEVELOPMENT & INVESTMENTS d/b/a CHRISTIAN TAPIA/MASTER
USED CARS OF WATERTOWN
175 North Street
Newtonville 02460
APPROVED 7-0
- #379-12 PARAGON GLOBAL PARTNERS, INC.
259 Walnut Street
Newtonville 02460
APPROVED 7-0

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, January 14, 2013

Re-appointment by His Honor the Mayor

- #405-12 WILLIAM McLAUGHLIN, 117 Hammond Street, Chestnut Hill, re-appointed as a member of the ZONING BOARD OF APPEALS for a term to expire November 7, 2015 (60 days 02/01/13) [11/19/12 @ 9:51 AM]
APPROVED 4-0-1 (Yates abstaining; Lennon, Danberg and Baker not voting)

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, January 9, 2013

Re-appointment by His Honor the Mayor

- #424-12 PETER JOHNSON, 121 Fairway Drive, West Newton, re-appointed as a member of the PARKS AND RECREATION COMMISSION for a term to expire November, 29, 2015 (60 days 02/15/13) [12/04/12 @ 9:50 AM]
PROGRAMS & SERVICES APPROVED 3-0-1 (Blazar abstaining)

REFERRED TO PROG & SERV. AND PUB. FACIL. COMMITTEES

- #99-11 ALD. ALBRIGHT, JOHNSON, DANBERG requesting that the Department of Public Works coordinate data on the impact of the snow removal ordinance from the Departments of Public Works, Parks & Recreation, Executive and Senior Services into a monthly report for the winters 2012 and 2013, which will be sent to the Public Facilities Committee that includes the following data: (1) the number of people requesting exemptions; (2) the number of exemptions awarded; (3) the number of warning letters sent; (4) the ability of the City to maintain the same standard regarding treating the surface to preserve safe passage; and (5) cost of the implementation of the program.

PUBLIC FACILITIES COMMITTEE APPROVED 4-0 on 10/5/2011**PROGRAMS & SERVICES NO ACTION NECESSARY 4-0****MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF PUBLIC FACILITIES TO POLL HIS COMMITTEE WAS APPROVED BY VOICE VOTE.****MOTION IN PUBLIC FACILITIES TO CHANGE ITS VOTE TO NO ACTION NECESSARY TO MAKE ITS VOTE CONSISTENT WITH PROGRAMS & SERVICES WAS APPROVED 8-0****REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, January 9, 2013

- #86-12 ALD. CICCONE, requesting possible changes to City Ordinance 19-30(a), Procedures for Traffic Council, to require all Traffic Council meetings be held in the evening. [03/16/12 @ 1:44 PM]
PUBLIC SAFETY NO ACTION NECESSARY 6-0 (Swiston not voting)
- #8-13 TRAFFIC COUNCIL CHAIR, providing the Annual Report on the work of the Traffic Council for 2012 pursuant to Section 19-30(g) of the City of Newton Revised Ordinances 2007. [12/14/12 @ 9:39 AM]
PUBLIC SAFETY NO ACTION NECESSARY 6-0 (Swiston not voting)
- #146-12 DIRECTOR OF PLANNING & DEVELOPMENT, requesting possible amendment to Chapter 19 to allow the Commissioner of Department of Public

Works to restrict parking up to ~~40~~ 25 feet away from crosswalks. [05/14/12 @ 4:06 PM]

PUBLIC SAFETY APPROVED AS AMENDED 5-0-2 (Kalis and Ciccone abstaining)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, January 9, 2013

Present: Ald. Salvucci (Chairman), Lennon, Albright, Gentile, Crossley, Danberg, Laredo, and Lappin; also present: Ald. Ciccone, Swiston, Harney, Yates, Schwartz, Fuller, and Kalis

#408-12 ALD. YATES requesting a report on the relative conditions of the Elliot Street Bridge into Needham and the Wales Street Bridge into Wellesley and a determination as to which should be given priority. [11/16/12 @ 2:11 PM]
PUBLIC FACILITIES NO ACTION NECESSARY 7-0 (Crossley not voting)

#139-11 ALD. LINSKY, DANBERG & SALVUCCI proposing that §26-71, 26-72 and 26-73, **Sidewalk construction requested by owners, Materials for sidewalk construction, and New curbing installation**, respectively, be amended to extend participation in the betterment program to property owners who voluntarily pay the residual 50% of the costs over time in addition to the 50% initial payment provided under the ordinance. [04-27-11 @9:38 AM]
PUBLIC FACILITIES NO ACTION NECESSARY 8-0

REFERRED TO FINANCE COMMITTEE

Monday, January 14, 2013

Re-appointment by His Honor the Mayor

#426-12 MARIA BIANCHI ROSEN, 41 Aspen Avenue, Auburndale reappointed as a Constable for the City of Newton for a term of office to expire December 5, 2015. [12/07/12 @ 3:55 PM]
FINANCE APPROVED 8-0

#16-13 HIS HONOR THE MAYOR requesting the vote of the Board of Aldermen to complement by RESOLUTION the vote of the School Committee to transfer the sum of three hundred fifty thousand dollars (\$350,000) from unspent reserve in the Fiscal Year 2013 School Operating Budget (which resulted from an additional State circuit breaker reimbursement received at the end of Fiscal Year 2012) to a capital account established for the purpose of funding the design and engineering work for the installation of several modular classrooms at various elementary schools. [12/31/12 @ 9:25 AM]
FINANCE APPROVED 8-0

- #19-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of seventeen thousand four hundred eighty dollars (\$17,480) from Fiscal Year 2013 Budget Reserve to Public Buildings Repairs & Maintenance Account to fund the demolition costs for the Department Public Works salt shed that was damaged beyond repair during Hurricane Sandy.

FINANCE APPROVED 8-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #400-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred fifty thousand dollars (\$150,000) from bonded indebtedness for the purpose of funding plumbing and bathroom renovations at the Gath Pool facility. [11/13/12 @ 5:13 PM]

PROG & SERV REFERRED TO PUBLIC FACILITIES on 12/05/12

PUBLIC FACILITIES APPROVED 7-0 on 12/19/12

FINANCE APPROVED 8-0

- #25-04(2) HIS HONOR THE MAYOR requesting authorization to expend up to two hundred fifty thousand dollars (\$250,000) from Avalon at Chestnut Hill Traffic Mitigation Funds for the purpose of installing a fully-activated traffic signal at the intersection of Hammond Pond Parkway and the Boylston Street Eastbound Exit Ramp. [12/31/12 @ 9:25 AM]

FINANCE APPROVED 8-0

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 1 NAY (Ald. Lappin), 3 ABSENT (Ald. Baker, Ciccone and Merrill) TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO PUBLIC SAF. & TRANS. AND PUBLIC FACILITIES COMMITTEES

- #409-12 ALD. DANBERG, RICE, BLAZAR, BAKER, CROSSLEY, LINSKY, LAREDO, SALVUCCI, KALIS, MERRILL, HESS-MAHAN, FISCHMAN, ALBRIGHT, HARNEY, SCHWARTZ requesting that Chapter 26 Section 8D **Trial program for removal of snow and ice from sidewalks.** be extended from 11/01/13 to 11/01/14 [11/19/12 @ 9:59 AM]

PUBLIC FACILITIES APPROVED 7-1 (Lappin opposed) on 01/09/13

PUBLIC SAFETY APPROVED 7-0

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 1 NAY (Ald. Linsky), 3 ABSENT (Ald. Baker, Ciccone and Merrill) TO TAKE THE FOLLOWING ACTIONS:

- #205-11 ALD. SANGIOLO, GENTILE, HARNEY, LINSKY requesting a discussion with the School Committee regarding a proposal to enter into contractual relationships with the Newton Schools Foundation to sell naming rights on behalf of the Newton Public Schools. [06/22/2011 @ 8:32AM]

NO ACTION NECESSARY 3-1-0 (Linsky opposed)

MOTION TO AMEND THE REFERRAL OF THE FOLLOWING ITEM ON THE DOCKET FROM FINANCE TO A JOINT REFERRAL TO PUBLIC FACILITIES AND FINANCE WAS APPROVED BY VOICE VOTE.

#41-13 ALD. CROSSLEY, FULLER AND SALVUCCI requesting a discussion with the administration to review how the city inventories, plans for, budgets and accounts for needed smaller capital expenditures (currently set at under \$75,000), which are excluded from the Capital Improvement Plan (CIP); how to make these non-CIP capital maintenance items visible, and how to integrate them with the overall planning, CIP, and budgeting processes. [01/14/13 @ 5:02 PM]

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public Hearing assigned for February 12, 2013:

#277-10(4) JENNIE MARIE ONE LLC/JENNIE MARIE TWO LLC petition to AMEND Special Permit/Site Plan Approval application #277-10(3), for which a public hearing was opened and closed on December 11, 2012. The petitioner is seeking relief from the required 24-foot maneuvering aisle width of at least 24 feet to allow a 20-foot wide aisle to increase the front setback distance of the proposed building from 5 feet to 9 feet so that residents of the proposed 9-unit building at 138-142 Adams Street will have increased privacy and a decrease in street noise, Ward 1. Ref: Sec 30-24, 30-23, 30-19(h)(3)(a) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for February 12, 2013:

#23-13 BENJAMIN GOMEZ petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NON CONFORMING STRUCTURE to enclose a second story deck to expand the master suite, increasing the existing nonconforming floor area ratio of .38 to .40, where .35 is allowed by-right, at 55 ALBAN ROAD. Ward 5, Waban, on land known as SBL 55, 19, 17, in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for February 12, 2013:

#149-03(5) BERTUCCI'S COPRORATION/THE NOLAN BROTHERS petition to AMEND the SITE PLAN approved in SPECIAL PERMIT #149-03(4), granted on October 15, 2012, that allowed a restaurant use of up to 100 seats and attendant waiver of 25 parking spaces at 300 NEEDHAM STREET, Ward 8. The petitioners are now seeking 20 outdoor seats that require an additional waiver of 12 parking spaces on land known as SBL 83, 30, 11, containing 205,211 sq. ft. of land in a MIXED USE 1 District. Ref: Sec 30-24, 30-23, 30-19©, (d)(13), and (m), 30-13(b)(5) of the City of Newton Zoning Ord 2012 and Special Permit #149-03 and #149-03(2).