

REPORTS DOCKET

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Monday, January 7, 2013
7:45 PM, Newton City Hall
To be reported on
TUESDAY, JANUARY 22, 2013

CITY OF NEWTON

IN BOARD OF ALDERMEN

REFERRED TO LAND USE COMMITTEE

Tuesday, January 15, 2013

Present: Ald. Hess-Mahan (Chairman), Ald. Laredo, Albright, Crossley, Schwartz, Harney, Fischman; absent: Ald. Merrill; also present: Ald. Fuller

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

Present: Ald. Johnson (Chairman), Lennon, Swiston, Sangiolo, Yates, Danberg, Baker and Kalis
Also Present: Ald. Crossley

Re-appointment by His Honor the Mayor

#6-13 JACK LEADER, 613 California Street, Newton, re-appointed as a member of THE ECONOMIC DEVELOPMENT COMMISSION for a term to expire November 7, 2015 (60 days 03/07/13) [12/13/12 @ 10:36 AM]
HELD 4-0-1 (Kalis abstaining; Lennon, Danberg and Baker not voting)

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 PUB.FAC, ZONING&PLANNING, PROG & SERV COMMITTEES

#316-12 DEPARTMENT HEADS HAVENS, ZALEZNIK, LOJEK requesting amendments to **Sec. 26-30. Licenses for cafe furniture on sidewalks.** to streamline the procedure allowing businesses to place café furniture on public sidewalks. [09/24/12 @ 3:17 PM]
HELD 7-0 (Baker not voting)

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, January 9, 2013

Present: Ald. Sangiolo (Chairman), Linsky, Blazar and Hess-Mahan; absent: Ald. Baker, Merrill, Rice and Fischman; also present: Ald. Danberg and Crossley

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]
APPROVED 3-0-1 (Blazar abstaining)

REFERRED TO PROGRAMS & SERV. AND PUBLIC FACILITIES COMMITTEES

#315-12 ALD. FULLER, RICE AND GENTILE of the Angier School Building Committee providing updates and discussion on the Angier School Building project as it develops through the site plan approval process. [10/02/12 @ 3:37PM]
HELD 4-0

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
NO ACTION NECESSARY 4-0

REFERRED TO PROG & SERV, PUB. FAC., ZAP, AND FINANCE COMMITTEES

- #256-12 ALD. HESS-MAHAN, SANGIOLO & SWISTON proposing an ordinance promoting economic development and the mobile food truck industry in the City of Newton. [08/06/12 @4:46 PM]
HELD 4-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #254-12 ALD. HESS-MAHAN, SANGIOLO, DANBERG, KALIS, CROSSLEY proposing an ordinance relating to plastic bag reduction that would add a fee to single-use plastic and paper bags that are not at least 40% post-consumer recycled content, at certain retail establishments in Newton.
 [07/18/12 @4:34 PM]
HELD 4-0
- #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

REFERRED TO PROG & SERV, PUB. FACIL. COMMITTEES

- #170-12 ALD. SANGIOLO, BAKER, BLAZAR, JOHNSON, and YATES requesting the creation of an ordinance to govern the naming of public assets of the City, including the interior and exterior features of public buildings, lands, and water bodies of the City, as well as any public facilities and equipment associated with them, all to serve the best interests of the City and to insure a worthy and enduring legacy for the City's physical facilities and spaces, including appropriately honoring historic events, people, and places.
 [05/29/12 @ 1:34 PM]
PUBLIC FACILITIES TO MEET
NO ACTION NECESSARY 3-1-0 (Linsky opposed)

- #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)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #39-12 HIS HONOR THE MAYOR requesting authorization to establish a revolving account with an annual expenditure limit of \$2,000,000 for the purpose of receiving funds collected by the Newton Schools Foundation in connection with the sale of naming rights for Newton Public School buildings and facilities and to be distributed for the sole purpose of public school education technology and curriculum purposes. [01/30/12 @ 4:18 PM]
FINANCE TO MEET
NO ACTION NECESSARY 3-1-0 (Linsky opposed)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, January 9, 2013

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

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 APPROVED 7-0

- #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)

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #428-12 ALD. CICCONE & FULLER requesting a discussion with the Executive Office and the Police Department regarding police staffing and overtime costs. [12/07/12 @ 1:34 PM]
HELD 6-0 (Swiston not voting)
- #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]
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]
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]
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

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

- #409-12 ALD. DANBERG, RICE, BLAZAR, BAKER, CROSSLEY, LINSKY, LAREDO, SALVUCCI, KALIS, MERRILL, HESS-MAHAN, FISCHMAN, ALBRIGHT, HARNEY, AND SCHWARTZ requesting an amendment to City of Newton Ordinances Chapter 26 Section 8D **Trial program for removal of snow and ice from sidewalks**. by extending the expiration date of the trial from November 1, 2013 to November 1, 2014. [11/19/12 @ 9:59 AM]
PUBLIC SAFETY & TRANS APPROVED 7-0 on 01/09/13
APPROVED 7-1 (Lappin opposed)
- #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]
NO ACTION NECESSARY 7-0 (Crossley not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #54-12(2) **PUBLIC FACILITIES COMMITTEE** proposing that Chapter 26, Section 71 (b)(1) & (2) and Section 73(c)(2) of the City of Newton Ordinances be amended by increasing the assessment minimum from five hundred dollars (\$500) to no more than two thousand dollars (\$2,000). [10/17/12]
FINANCE TO MEET
APPROVED AS AMENDED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #427-12 **ALD. DANBERG, BLAZAR, CROSSLEY, JOHNSON, LINSKY, RICE, FISCHMAN, YATES, & HESS-MAHAN** requesting an increase in the fine for violation of Section 26-9 Putting snow and ice upon streets, sidewalks, and bridges, as listed in Section 20-21(d) relative to the costs incurred in maintaining sufficient levels of enforcement and consistent with fees charged by surrounding communities. [12/05/12 @ 7:33 PM]
FINANCE TO MEET
APPROVED 8-0

- #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]
NO ACTION NECESSARY 8-0

REFERRED TO PROGRAMS & SERV. AND PUBLIC FACILITIES COMMITTEES

- #315-12 **ALD. FULLER, RICE AND GENTILE** of the Angier School Building Committee providing updates and discussion on the Angier School Building project as it develops through the site plan approval process. [10-02-12 @ 3:37PM]
HELD 8-0

REFERRED TO FINANCE COMMITTEE

Monday, January 14, 2013

Present: Ald. Gentile (Chairman), Ciccone, Linsky, Salvucci, Rice, Blazar, Fuller and Lappin;
also present: Ald. Danberg

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]
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]

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.

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**

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]

APPROVED 8-0

#17-13 COMPTROLLER transmitting the Budgetary Basis Annual Financial Report for fiscal year ending June 30, 2012 for Board of Aldermen review/acceptance.

HELD 8-0

#13-13 FINANCIAL AUDIT ADVISORY COMMITTEE providing the annual report of the Financial Audit Advisory Committee for review by the Finance Committee of the Board of Aldermen. [12/18/12 @ 9:31 AM]

HELD 8-0

#14-13 FINANCIAL AUDIT ADVISORY COMMITTEE requesting review and acceptance of a City of Newton Whistleblower Policy. [12/18/12 @ 9:31 AM]

HELD 8-0

#15-13 FINANCIAL AUDIT ADVISORY COMMITTEE requesting review and acceptance of the revised City of Newton Investment Policy. [12/18/12 @ 9:31 AM]

HELD 8-0

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Trisha Guditz, 617-796-1156, via email at TGuditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date