

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, March 4, 2013

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

Absent: Ald. Lappin, Salvucci and Sangiolo

1 Vacancy

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

- REFERRED TO PROGRAMS & SERVICES COMMITTEE**
#69-13 **PROGRAMS & SERVICES COMMITTEE** calling for a Special Election for Ward 1 Alderman-At Large to be held on June 25, 2013 in conjunction with the Senate Special Election. [02/11/13 @ 10:00PM]
PROGRAMS & SERVICES APPROVED 5-0 (Baker not voting)
MOTION TO POSTPONE TO A DATE CERTAIN OF MARCH 18 WAS APPROVED BY VOICE VOTE

Clerk' Note: Concern was raised over the cost of holding the Special Election for the Alderman-At-Large seat from Ward 1. A motion was made to postpone the item until March 18, 2013 in order to gather additional information about the Board's options in terms of when to hold the election.

A MOTION TO CHANGE THE REFERRAL OF THE FOLLOWING TWO ITEMS FROM PROGRAMS & SERVICES TO ZONING & PLANNING WAS APPROVED BY VOICE VOTE

Re-appointment by His Honor the Mayor

- #92-13 **JOEL FEINBERG**, 121 Eastbourne Rd., Newton Centre, re-appointed as a member of THE COMMUNITY PRESERVATION COMMITTEE representing Affordable Housing, for a term to expire February 12, 2016. (60 days 05/03/13) [02/19/13 @ 5:43 PM]

Re-appointment by His Honor the Mayor

- #93-13 **MICHAEL CLARKE**, 38 Halcyon Road, Newton Centre, re-appointed as a member of THE COMMUNITY PRESERVATION COMMITTEE representing Open Space, for a term to expire February 12, 2016. (60 days 05/03/13) [02/19/13 @ 5:43 PM]

Clerk's Note: The Board Rules do not currently define the committee to which appointments to the Community Preservation Committee should be referred. It was felt that as the Community Preservation Committee is part of the Planning Department, the Zoning & Planning Committee would be the more appropriate referral.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 3 ABSENT (Ald. Lappin, Salvucci and Sangiolo), 1 VACANCY TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, February 25, 2013

A Public Hearing was held on the following item:

#316-12(3) DEPARTMENT HEADS HAVENS, LOJEK AND ZALEZNIK requesting
(#53-13) amendments to the **City Zoning Ordinance**, Chapter 30, Sections 30-11, 30-13, 30-19 and 30-21 as needed to establish parameters regarding parking requirements and maximum number of seats consistent with the Sidewalk Café Ordinance. [01/30/13 @ 5:15 PM]

HEARING CLOSED; HELD 6-0 (Baker not voting)

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, February 20, 2013

Re-appointment by His Honor the Mayor

#66-13 JUDI MACKENZIE, 9 Oak Vale Road, Waban, re-appointed as a member of the COMMUNITY EDUCATION COMMISSION for a term to expire January 7, 2015. (60 days 4/19/13) [02/04/13 @ 10:34 AM]

PROGRAMS & SERVICES APPROVED 5-0 (Baker not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#73-13 HIS HONOR THE MAYOR requesting an appropriation in the amount of one hundred twenty-five thousand dollars (\$125,000) from Free Cash for the purpose of supplementing the Veterans' Benefits Account. [[02/11/13 @ 5:14 PM]

FINANCE APPROVED 8-0 on 02/25/13

PROGRAMS & SERVICES APPROVED 5-0-1 (Linsky abstaining)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, February 20, 2013

#51-13 NSTAR ELECTRIC petitioning for a grant of location to install two manholes and 441' ± of conduit in ISLINGTON ROAD from Malvern Terrace in a

northerly direction and 17' ± of conduit in MALVERN TERRACE from Islington Road in a southerly direction to Pole # P902/1. (Ward 4) [01/16/13 @ 2:12 PM]
PUBLIC FACILITIES APPROVED 7-0 (Lennon not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #320-12 ALD. SALVUCCI AND GENTILE requesting a discussion with the Engineering Division of the Public Works Department regarding the billing and collecting of street opening permit fees. [09/28/12 @ 10:28 AM]
FINANCE VOTED NO ACTION NECESSARY 8-0 on 11/14/12
PUBLIC FACILITIES NO ACTION NECESSARY 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #75-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of seven hundred fifty thousand dollars (\$750,000) from the Snow/Ice Budget Reserve and the sum of three hundred thousand dollars (\$300,000) from the Inclement Weather Reserve to the Department of Public Works Snow/Ice Control Rental Vehicles Account. [02/11/13 @ 5:14 PM]
FINANCE APPROVED AS AMENDED 8-0 on 02/25/13
PUBLIC FACILITIES APPROVED AS AMENDED 6-0 (Crossley and Laredo not voting)

Re-appointment by the President of the Board of Aldermen

- #36-13 ARVIN GRABEL, 259 Otis St., West Newton, re-appointed as a member of the ENERGY COMMISSION for a term to expire December 31, 2015. [01/07/13 @ 2:11 PM]
PUBLIC FACILITIES NO ACTION NECESSARY 8-0

REFERRED TO FINANCE COMMITTEE

Monday, February 25, 2013

Re-appointment by His Honor the Mayor

- #72-13 EDWARD GOURDEAU, 94 Clearwater Road, Newton Lower Falls, re-appointed as a Constable for the City of Newton for a term of office to expire January 28, 2016. (60 days 4-20-13) [02/04/13 @ 3:55 PM]
FINANCE APPROVED 7-0 (Blazar not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #73-13 HIS HONOR THE MAYOR requesting an appropriation in the amount of one hundred twenty-five thousand dollars (\$125,000) from Free Cash for the purpose of supplementing the Veterans' Benefits Account. [[02/11/13 @ 5:14 PM]
PROG & SERV APPROVED 5-0-1 (Linsky abstaining) on 02/20/13
FINANCE APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #75-13 HIS HONOR THE MAYOR requesting authorization to transfer of seven hundred fifty thousand dollars (\$750,000) from the Snow/Ice Budget Reserve and the sum

of three hundred thousand dollars (\$300,000) from the Inclement Weather Reserve to the Department of Public Works Snow/Ice Control Rental Vehicles Account. [02/11/13 @ 5:14 PM]

PUBLIC FACILITIES APPROVED AS AMENDED 6-0 (Crossley, Laredo not voting) on 02/20/13

FINANCE APPROVED AS AMENDED 8-0

#39-13 HIS HONOR THE MAYOR requesting authorization to increase the previously authorized expenditure (Budget Board Order #383-11(2)) by a sum of fifty-six thousand twenty-four dollars (\$56,024) from the FY12 Housing and Urban Development (HUD) Emergency Solutions Grant for homelessness prevention. [01/16/13 @ 8:58 AM]

FINANCE APPROVED 8-0

#40-13 DIRECTOR OF PLANNING requesting amendment to City of Newton Ordinances Chapter 26-30. **Licenses for café furniture on sidewalks.** by deleting the licensing fee from 26-30(c) and approving a new license fee structure in Chapter 12 by replacing the current annual café furniture license fee of \$25 with a fee of \$100 for the initial application and a \$50 annual fee for renewal and giving the Health and Human Services Department the authority to collect the fees. [01/16/13 @ 3:44 PM]

FINANCE APPROVED 8-0

MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF FINANCE TO POLL HIS COMMITTEE WAS APPROVED BY VOICE VOTE

FINANCE HELD 6-0

Clerk's Note: The Chair of the Finance Committee asked committee members to hold this item in committee as the Zoning & Planning Committee had not finished their work on the Café Furniture on sidewalks ordinance to which these fees would apply.

#317-12 HIS HONOR THE MAYOR submitting the FY14 - FY18 Five-Year Financial Forecast for Board of Aldermen review/acceptance. [10/09/12 @ 2:38 PM]

FINANCE APPROVED 8-0

REFERRED TO REAL PROPERTY REUSE COMMITTEE

Tuesday, February 26, 2013

A public hearing was held on the following item:

#384-11(4) JOINT ADVISORY PLANNING GROUP and PLANNING & DEVELOPMENT DEPARTMENT filing their separate reports pursuant to Ordinance Sec. 2-7(2)b) identifying alternatives for the future use of the former Parks & Recreation site at 70 Crescent Street, Auburndale, which was declared surplus by the Board of Aldermen on February 6, 2012.

REAL PROPERTY REUSE HEARING CLOSED; HELD 5-0

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF LAND USE TO POLL HIS COMMITTEE ON THE FOLLOWING THREE ITEMS WAS APPROVED BY VOICE VOTE.

REFERRED TO LAND USE COMMITTEE

#258-12(3) AGREEMENT TO AN EXTENSION OF TIME in which to ACT on petition #258-12(2) BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY request for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit oriented development at 327 GROVE STREET, Ward 4, on land known as SBL 42, 11, 3A containing approx. 9.4 acres of land in a proposed Mixed Use 3 Transit Oriented Zoned district; said EXTENSION will run from March 18, 2013 to May 21, 2013..

LAND USE APPROVED 6-0

#272-12(4) AGREEMENT TO AN EXTENSION OF TIME in which to ACT on petitions #272-12 and #272-12(3) BH NORMANDY OWNER, LLC requests for a SPECIAL PERMIT/SITE PLAN APPROVAL for several improvements to be completed over two phases at Hotel Indigo at 399 GROVE STREET, Ward 4; said EXTENSION will run from March 18, 2013 to May 21, 2013.

LAND USE APPROVED 6-0

Request for Withdrawal without Prejudice:

#259-12 NINE RIPLEY LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to add an attached dwelling to an existing dwelling and to construct two additional attached dwellings for a total of four dwellings; to waive the setback requirements; allow a driveway 5 feet from a side lot line, construct a retaining wall greater than 4 feet in height within a required setback; and, to allow parking within the required side setbacks at 9 RIPLEY STREET, Ward 6, Newton Centre, on land known as SBL 65, 19, 20, containing approx. 19,367 sq. ft. of land in a district zoned MULTI RESIDENCE 1.

LAND USE APPROVED 6-0

A MOTION TO SUSPEND THE RULES TO ALLOW THE FOLLOWING TWO LATE FILED ITEMS TO BE ACCEPTED TO THE DOCKET AND REFERRED TO COMMITTEE WAS APPROVED BY VOICE VOTE.

REFERRED TO ZONING & PLANNING COMMITTEE

#77-13 ALD. GENTILE & HARNEY requesting that the Board of Aldermen amend the **City of Newton Zoning Ordinances** so that any properties that have been built and purchased that may now be considered non-compliant due to the recent court decision in the Mauri/Chansky case, be considered valid non-conforming properties. [02/27/13 @3:06 PM]

REFERRED TO PROG. AND SERVICES AND PUB. FACILITIES COMMITTEES

- #99-13 SUPERINTENDENT FLEISCHMAN requesting the vote of the Board of Aldermen to complement the vote of the School Committee to authorize the Superintendent of Schools to submit to the Massachusetts School Building Authority (MSBA) the Statement of Interest that will be submitted to the MSBA no later than April 10, 2013 for the consideration in Fiscal Year 2013 for the Cabot Elementary School. [02/26/13 @ 2:03 PM]

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public Hearing assigned for April 9, 2013:

- #259-12(4) NINE RIPLEY LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to add an attached dwelling to an existing dwelling and to construct two additional attached dwellings for a total of four dwellings; to waive the side and rear setback requirements; allow a driveway 7.2 feet from a side lot line, and, to allow parking within the required side setback at 9 RIPLEY STREET, Ward 6, Newton Centre, on land known as SBL 65, 19, 20, containing approx. 19,367 sq. ft. 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, 30-19(g)(1), and (m) of the City of Newton Rev Zoning Ord, 2012.

Public hearing assigned for March 20, 2013:

- #97-13 BOSTON COLLEGE petitioning for a grant of location to install seven ornamental light poles and fixtures on the east side of COLLEGE ROAD at the following locations:
- 150' ± northeast of the College Road and Hammond Street intersection
 - 370' ± northeast of the College Road and Hammond Street intersection, between 36 College Road and 4 Quincy Road
 - 80' ± northeast of the College Road and Quincy Road intersection, near 50 College Road
 - 250' ± northeast of the College Road and Quincy Road intersection, between 66 and 72 College Road.
 - 430' ± northeast of the College Road and Quincy Road intersection, near 84 College Road.
 - 500' ± south of the College Road and Commonwealth Avenue intersection, between 110 and 116 College Road. (Ward 7) [02/15/13 @ 3:17 PM]