

REPORTS DOCKET

March 5: Land Use Continued
March 6: Programs&Services; Public Safety& Transportation; Public Facilities Page 54
March 11:Finance; Zoning&Planning Monday, March 4, 2013
7:45 PM, Newton City Hall
To be reported on
MONDAY, MARCH 18, 2013

CITY OF NEWTON

IN BOARD OF ALDERMEN

UNFINISHED BOARD BUSINESS

Item Postponed on March 4, 2013 to a Date Certain of March 18, 2013:

#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) on February 20, 2013

REFERRED TO LAND USE COMMITTEE

Tuesday, March 5, 2013

Present: Ald. Hess-Mahan (Chairman), Ald. Crossley, Fischman, Albright, Schwartz, Laredo, and Harney; 1 vacancy; also present: Ald. Gentile

#258-12(2) BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit oriented development including an office building of approximately 225,000 sq. ft., a residential building containing 290 apartments with 5,000 sq. ft. of retail space, a three story building containing approximately 15,000 sq. ft. of retail space and approximately 8,000 sq. ft. of community space, and related site improvements; to permit office use on the ground floor, medical office use, retail and personal establishments of more than 5,000 sq. ft., eating and drinking establishments of more than 5,000 sq. ft., retail banking and financial services, and health club establishments on the ground floor; and reduced minimum setbacks of side setback of office building, and front setback of retail/community building; parking facility design standards including stall width, stall depth, maneuvering space for end stalls, minimum width for entrance and exit driveways, tandem stalls, number of required off-street loading facilities and design standards of same, landscape screening requirements, surfacing and curbing requirements and one foot candle lighting 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. Ref: Sec 30-13(f), Table A Footnote ; 30-13(g); 30-15(v)(1); 30-15,

Table 3; 30-19(d)(22); 30-19(h); 30-19(h)(2)a); 30-19(h)(2)b); 30-19(h)(2)e); 30-19(h)(4)a); 30-19(h)(5)a); 30-19(i); 30-19(i)(1)a); 30-19(j); 30-19(j)(1)a); 30-19(j)(2)d); 30-19(l); 30-19(l)(2); 30-19(l)(3); 30-19(m); 30-23; 30-24; 30-24(i)(7) of the City of Newton Revised Zoning Ord, 2012. *(The public hearing, opened on 10/16/12, continued on 11/27/12, was closed on 12/18/12.)*

HELD 7-0

- #272-12(3) **BH NORMANDY OWNER, LLC** petition to AMEND Special Permit/Site Plan Approval application #272-12, for which a public hearing was opened on October 9, 2012, with respect to EXTENDING a NONCONFORMING STRUCTURE to allow construction of a ramp on the easterly side of the Hotel Indigo at 399 Grove Street, Newton Lower Falls. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2012. *(The Public Hearing was opened on 11/27/12 and closed on 12/18/12.)*

HELD 7-0

- #272-12 **BH NORMANDY OWNER, LLC** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for several improvements to be completed over two phases. The first phase requires a special permit to (1) amend the current site plan by adding a pool deck awning; reconfiguring the delivery and trash pick-up area at the front of the hotel; reconfiguring the existing parking areas; reflecting existing and proposed signage; and reflecting existing wireless communications equipment; (2) extend a nonconforming structure by adding a pool deck awning; (3) obtain waivers for number of parking stalls and parking facility design standards including stall width, stall depth, handicap stall depth, maneuvering space for end stalls, maneuvering space for aisles, maximum width for entrance and exit driveways, landscape screening, interior landscaping, surfacing and curbing, one foot candle lighting, number of bicycle parking spaces, and design of loading facilities; and (4) authorize existing and proposed signage at 399 GROVE STREET, Ward 4.. The second phase anticipates that a portion of the applicant's lot will be conveyed or taken to provide rear access/egress to the proposed Riverside Development. This taking or conveyance would require special permit relief to (6) authorize an FAR greater than 1.0; (7) extend the existing nonconforming lot coverage; (8) obtain relief for the existing nonconforming building (i.e., height, number of stories and loading facility) as the building may be affected by a reduction in lot area; and (9) obtain a waiver for number of required parking stalls; all on land known as Section 42, Block 11, Lot 4 containing approximately 116,650 square feet of land in a Business 5 Zoned district. Ref: Sections 30-15, Table 3; 30-19(d)(3); 30-19(d)(13); 30-19(h); 30-19(h)(2)a); 30-19(h)(2)b); 30-19(h)(2)c); 30-19(h)(2)e); 30-19(h)(3)b); 30-19(h)(4)b); 30-19(i); 30-19(i)(1); 30-19(i)(2); 30-19(j); 30-19(j)(1)a); 30-19(j)(2)e); 30-19(k)(1); 30-19(l); 30-19(m); 30-20(f)(1); 30-20(f)(2); 30-20(f)(9); 30-20(l); 30-21(b); 30-23; 30-24; and 30-26(a)(1) of the City of Newton Revised Zoning Ordinances, 2012. *(The Public Hearing, opened on 10/09/12, continued to 11/27/12, was closed on 12/18/12.)*

HELD 7-0

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, March 11, 2013

Present: Ald. Johnson (Chairman), Lennon, Yates, Danberg, Baker and Kalis; absent: Ald. Sangiolo, Swiston' also present: Ald. Rice, Blazar, Fuller, Lappin, Crossley, Albright and Hess-Mahan

#48-12 ALD. ALBRIGHT requesting a discussion with the Executive Office and the Planning Department on the creation of a housing trust. [02/10/2012 @ 9:13AM]
HELD 6-0

Re-appointment by His Honor the Mayor

#25-13 DANIEL GREEN, 46 Glen Avenue, Newton Centre, re-appointed as a member of the CONSERVATION COMMISSION for a term to expire January 2, 2016.
APPROVED 5-0 (Lennon not voting)

Appointment by His Honor the Mayor

#78-13 MICHAEL ROSSI, 20 Rose Drive, West Newton, appointed as an *associate member* of the ZONING BOARD OF APPEALS for a term to expire on February 6, 2014. (60 days 05/03/13) [02/19/13 @ 5:43 PM]
APPROVED 5-0 (Yates not voting)

Re-appointment by His Honor the Mayor

#79-13 PETER KILBORN, 31 Buswell Park, Newton, re-appointed as a member of the ZONING BOARD OF APPEALS for a term to expire on February 7, 2016. (60 days 05/03/13) [02/19/13 @ 5:43 PM]
APPROVED 6-0

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]
APPROVED 6-0

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]
APPROVED 6-0

#60-10 ALD. HESS-MAHAN proposing that sections 30-15(s)(10) and 30-24(b) of the City of Newton Ordinances be amended to substitute a 3-dimensional computer model for the scaled massing model in order to facilitate compliance with recent amendments to the Open Meeting Law and that sections 30-23 and 30-24 be amended to reflect the filing procedures in Article X of the Rules & Orders of the Board of Aldermen. [02/23/10 @ 3:24 PM]

NO ACTION NECESSARY 6-0

#316-12(3) DEPARTMENT HEADS HAVENS, LOJEK AND ZALEZNIK requesting 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]

APPROVED 6-0

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]

**PUBLIC FACILITIES APPROVED SUBJECT TO 2nd CALL 6-0 on 1/23/13
PROGRAMS & SERVICES APPROVED SUBJECT TO 2nd CALL 4-0-1 on 1/23/13**

NO ACTION NECESSARY 6-0

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, March 6, 2013

Present: Ald. Linsky (Acting Chairman), Hess-Mahan, Rice, Blazar, Baker and Fischman;
absent: Ald. Sangiolo; 1 vacancy; also present: Ald. Kalis, Lappin and Lennon

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 FACILITIES APPROVED 6-0 on 03/06/13

APPROVED 5-0 (Baker not voting)

A Public Hearing was held on the following item:

#67-13 SRDJAN S. NEDELJKOVIC et al. requesting the Board of Aldermen to expand by resolution the area represented by the Newton Highlands Neighborhood Area Council pursuant to Article 9, Section 9-4, of the City of Newton Charter. [01/31/13 @ 9:15 AM]

HEARING CLOSED; APPROVED 5-0 (Baker not voting)

A Public Hearing was held on the following item:

#68-13 JOY HUBER et al. requesting the Board of Aldermen to establish by resolution a Newtonville Neighborhood Area Council pursuant to Article 9, Section 9-3, of the City of Newton Charter. [02/01/13 @ 2:22 PM]
HEARING CLOSED; APPROVED 5-0 (Rice not voting)

Re-appointment by His Honor the Mayor

#33-13 KATHLEEN McCARTHY, 524 California Street, Newton, re-appointed as a member of the LICENSING BOARD for a term to expire June 8, 2019. (60 days 03/23/13) [01/11/13 @ 12:47 PM]
APPROVED 5-0 (Baker not voting)

#94-13 ALD. LAPPIN requesting a Resolution from the Board of Aldermen to allow the City Clerk/Clerk of the Board to act as the interim Executive Secretary of Elections until June 30, 2013. P02/21/13 @ 9:01 AM]
APPROVED 5-0 (Baker not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#74-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thirty six thousand dollars (\$136,000) from current year salary savings from attrition in various departments' salary accounts to the Elections Department. One hundred twenty eight thousand dollars (\$128,000) would be used to fund the cost of a special primary and special election to fill the vacancy resulting from the resignation of Senator John Kerry and eight thousand dollars (\$8,000) would be used to fund temporary staffing for the Elections Department. [02/11/13 @ 5:14 PM]
FINANCE APPROVED AS AMENDED 6-0 (Ciccione not voting) on 03/11/13
APPROVED AS AMENDED 5-0 (Baker not voting)

Item recommitted to Programs & Services on January 22, 2013

#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 2nd Call on January 9, 2013)
APPROVED 5-0 (Rice not voting)

#95-13 HIS HONOR THE MAYOR, SETTI WARREN AND BOARD PRESIDENT, SCOTT LENNON seeking an amendment to Chapter 12, Section 68 of the Newton City Ordinances to increase the number of members of the Health Care Advisory Committee if there are any concerns relative to the composition of the committee. [02/25/13 @ 2:24 PM]
HELD 5-0 (Baker not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, March 6, 2013

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

#278-11 ALD. YATES, requesting a report on the likely impacts on Newton traffic from the changes to the Route 9/128 intersection as part of the Add-A-Lane Project.
NO ACTION NECESSARY 5-0

#50-13 PUBLIC SAFETY & TRANSPORTATION COMMITTEE, requesting a discussion with the Department of Conservation & Recreation regarding traffic issues on Quinobequin Road.
NO ACTION NECESSARY 5-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, March 6, 2013

Present: Ald. Crossley (Acting Chairman), Lennon, Albright, Danberg, Laredo and Lappin; absent: Ald. Gentile and Salvucci; also present: Ald. Blazar, Fischman, Hess-Mahan, Linsky, Rice, and Yates

#71-13 COMCAST petitioning for a grant of location to install 70' ± of 3" conduit in NEWTONVILLE AVENUE from 122' westerly of the intersection of Bowers Street and Newtonville Avenue, westerly to 458-462 Newtonville Avenue. (Ward 2)
APPROVED 5-0 (Lennon not voting)

#70-13 NSTAR ELECTRIC petitioning for a grant of location to install a new pole (100/8) in COLUMBUS STREET on the northeasterly side opposite Standish Street. (Ward 6)
APPROVED 5-0 (Lennon not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#104-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred fifty thousand dollars (\$250,000) from Free Cash to the Public Works Snow/Ice Removal Account. [02/25/13 @ 6:32 PM]
FINANCE APPROVED 4-0 (Ciccone, Lappin, Linsky not voting) on 03/11/13
APPROVED 5-0 (Lennon not voting)

REFERRED TO PUBLIC FACILITIES AND PROG & SERV COMMITTEES

#231-12 RECODIFICATION COMMITTEE recommending that **Sec. 11-11. Permit to cart trash and/or recyclable materials.** be deleted as G.L.c.111 §31A authorizes the Health Department to require registration. for "garbage," which is addressed in Sec. 11-5.
PROG & SERV APPROVED 5-0 (Ald. Baker not voting) on 02/06/13
APPROVED 5-0 (Lennon not voting)

#11-13 ALD. YATES requesting that His Honor the Mayor apply to the United States Environmental Protection Agency for designation as a Green Power Partner in addition to its designation by the Massachusetts Office of Energy Resource as a Green Power Community. [12/14/12 @ 3:03 PM]

HELD 5-0 (Lennon not voting)

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]

PROGRAMS & SERVICES APPROVED 5-0 (Baker not voting) on 03/06/13
APPROVED 6-0

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 6-0

REFERRED TO FINANCE COMMITTEE

Monday, March 11, 2013

Present: Ald. Fuller (Acting Chairman), Ciccone, Linsky, Salvucci, Rice, Blazar, Lappin;

absent: Ald. Gentile

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#74-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thirty six thousand dollars (\$136,000) from current year salary savings from attrition in various departments' salary accounts to the Elections Department. One hundred twenty eight thousand dollars (\$128,000) would be used to fund the cost of a special primary and special election to fill the vacancy resulting from the resignation of Senator John Kerry and eight thousand dollars (\$8,000) would be used to fund temporary staffing for the Elections Department. [02/11/13 @ 5:14 PM]

PROGRAMS & SERVICES APPROVED AS AMENDED 5-0 on 03/06/13
APPROVED AS AMENDED 6-0 (Ciccone not voting)

#101-13 HIS HONOR THE MAYOR requesting authorization to transfer and expend the sum of one thousand five hundred fifty three dollars (\$1,553.12) as follows:

FROM: Receipts Reserved Fund
 (14K101IV-5901)\$509.92
 Federal Grant Fund
 19V1142013-5901\$1,043.20

TO: Bicycle Racks
 (C114015-58529).....\$1,553.12

[02/25/13 @ 6:32 PM]

APPROVED 5-0 (Cicccone, Lappin not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#104-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred fifty thousand dollars (\$250,000) from Free Cash to the Public Works Snow/Ice Removal Account. [02/25/13 @ 6:32 PM]

PUBLIC FACILITIES APPROVED 5-0 on 03/06/13

APPROVED 4-0 (Cicccone, Lappin, Linsky not voting)

#102-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of ten thousand dollars (\$10,000) from the Sewer Fund Expenses account to the Sewer Fund Debt account in order to rectify an error in the preparation of the Fiscal Year 2013 Sewer Fund Budget. [02/25/13 @ 6:32 PM]

APPROVED 4-0 (Cicccone, Lappin, Linsky not voting)

#100-13 HIS HONOR THE MAYOR requesting authorization to award a contract term exceeding three years, including any renewal, extension, or option pursuant to Mass General Law Chapter 30B, Section 12 in order to issue a request for proposals for fund management services for the John C. Chaffin Fund with a contract term of three years and an option to renew for two additional three year terms. [02/25/13 @ 6:32 PM]

APPROVED 4-0 (Cicccone, Lappin, Linsky not voting)

#103-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of six hundred twenty thousand dollars (\$620,000) from 2012 Free Cash to the School Department for the purpose of funding additional appropriations in the School Department. The request reflects the amount the City received in Fiscal Year 2012 Net Unanticipated Revenue as a result of a change in the Medicaid Direct Services reimbursements. [02/25/13 @ 6:32 PM]

APPROVED 4-0 (Cicccone, Lappin, Linsky not voting)

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