

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, April 1, 2013

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

Absent: Ald. Crossley, Lappin and Lennon 1 Vacancy

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

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
ZONING & PLANNING NO ACTION NECESSARY 6-0 on 3/11/13
BOARD VOTED NO ACTION NECESSARY on 3/18/13
MOTION TO RECONSIDER FILED BY ALD. HESS-MAHAN ON MARCH 18, 2013
MOTION TO RECONSIDER WAS APPROVED.
APPROVED 20 YEAS, 3 ABSENT (Ald. Crossley, Lappin and Lennon), 1 VACANCY

Clerk's Note: Ald. Hess-Mahan noted that by voting No Action Necessary on this item, the Board had missed the intent of the committees. Each of the committees that reviewed this item agreed that the Ordinance regulating café furniture on sidewalks should be approved.

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

REFERRED TO LAND USE COMMITTEE

Tuesday, March 19, 2013

#58-13 ROBERT FRANCHI/MARCH V. FRANCHI TRUST, MARY V. FRANCHI, TRUSTEE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to convert an existing two family structure into two single-family attached dwellings and to construct two single-family attached dwellings; to waive front and side

setback requirements; and to locate a driveway within 10 feet of the side lot line at 281 NEVADA STREET, Ward 1, on land known as SBL 23, 6, 9, containing approx.. 17,999 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 of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED

- #59-13 JEFFREY A. ORLIN & FRANCES KEECH petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to convert an attic into a master bedroom suite, which will increase the Floor Area Ratio from .41 to .53 where .45 is allowed at 105 NONANTUM STREET, Ward 1, on land known as SBL 72, 21, 14, containing approx. 5,872 sq. ft. of land in a district zoned SINGLE FAMILY 2. Ref: Sec 30-24, 30-23 3015 Table A, 30-15(u) and u(2) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; LAND USE APPROVED 7-0

- #60-13 JOHN & CAROLE deJONG petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to locate a veterinary hospital and to waive two parking stalls at 602 WASHINGTON STREET, Ward 2, on land known as SBL 12, 16, 4 and 23, 18, 1, containing approx. 7,076 sq. ft. of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 30-11(g)(7), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; LAND USE APPROVED 7-0

- #61-13 STEPHEN EDSALL/MICHAEL J. CEDRONE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct 4 attached dwellings in 2 buildings; waive the side setback requirements; and locate a driveway within 10 feet of the side lot line at 288 NEVADA STREET, Ward 1, on land known as SBL 14, 8, 11, containing approx. 50,227 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 30-24, 30-23, 30-9(b)(5)a) and b) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED

- #376-12 NEWTON COLLISION INC.
d/b/a GM AUTO BODY
64 Crafts Street
Newton 02458

LAND USE APPROVED 7-0

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF LAND USE TO TAKE UP THE FOLLOWING TWO DOCKET ITEMS, POLL THE COMMITTEE AND REPORT WITHOUT A WRITTEN REPORT WAS APPROVED BY VOICE VOTE

- #258-12(4) 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 MAY 21, 2013 to JUNE 20, 2013.

LAND USE APPROVED 7-0

#272-12(5) 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 MAY 21, 2013 to JUNE 20, 2013.

LAND USE APPROVED 7-0

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF THE PROGRAMS & SERVICES COMMITTEE TO TO REPORT OUT THE FOLLOWING ITEM WITHOUT A WRITTEN REPORT WAS APPROVED BY VOICE VOTE

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Appointment by the President of the Board

#120-13 DANA GELB SAFRAN, 10 Laudholm Road, Newton appointed as a member of the HEALTH CARE ADVISORY COMMITTEE for a term to expire February 25, 2016. (60 days 05/17/13) [03/14/13 @ 10:08 AM]

PROGRAMS & SERVICES APPROVED 7-0

Clerk's Note: The Programs & Services Committee met earlier in the evening to discuss and vote Dana Safran's appointment to the Health Care Advisory Committee.

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, March 20, 2013

#279-10 ALD. JOHNSON, ALBRIGHT & LINSKY, requesting the development of a comprehensive traffic and parking plan for the Newton North High School neighborhood with the following streets as its borders: Commonwealth Avenue, Washington, Harvard and Valentine Streets. This plan to be completed by November 30, 2010 will include a fix to short term (immediate needs) and longer term needs to effectively manage the traffic circulation within the neighborhood, provide pedestrian and vehicular safety, and preserve quality of life for the neighborhood, school staff and faculty. [10/06/10 @ 12:33 PM]

PUBLIC SAFETY APPROVED 6-0 (Fuller not voting)

#122-13 HIS HONOR THE MAYOR in accordance with Chapter 279 of the Acts of 1992 and Sec. 3-3 and 3-4 of the City Charter, appointing CAPTAIN HOWARD MINTZ as Chief of Police, effective March 18, 2013. [03/18/13 @ 3:19 PM]

PUBLIC SAFETY APPROVED 7-0

- #96-13 CLERK OF THE BOARD, requesting that the fines provided in Chapter 19, Section 199(d) be deleted as new fines for the violation of Section 199 have been added to Chapter 19, Section 9 by Ordinance A-2 which was passed by the Board on July 9, 2012. [02/12/2013 @ 3:17 PM]
PUBLIC SAFETY APPROVED 6-0 (Fuller not voting)

REFERRED TO PUBLIC SAFETY/TRANSPORTATION & FINANCE COMMITTEES

- #279-10(2) ALD. LINSKY requesting an amendment to the City of Newton Ordinances Chapter 19 to establish fees for permit parking stickers for the proposed Newton North Area Parking Plan. [03/14/13@ 2:08 PM]
FINANCE APPROVED 8-0 on 03/27/13
PUBLIC SAFETY APPROVED 6-0 (Fuller not voting)

- #196-12 ANN BASSI et al. filing an appeal from TC-68-11, which requested a one-hour parking restriction on school days between 8:00 a.m. – 3:00 p.m. on Atwood Avenue (Ward 2), voted No Action Necessary by Traffic Council on June 14, 2012. (Appeal filed 07/02/12).
PUBLIC SAFETY APPEAL DENIED 6-0-1 (Fuller abstaining)

REFERRED TO PUBLIC SAFETY/TRANSPORTATION & FINANCE COMMITTEES

- #119-13 ALD. CICCONE, on behalf of the Police Department requesting that **Sec. 19-174. Parking of Commercial Vehicles and Trailers** be amended to increase fines.
FINANCE APPROVED 8-0 on 03/27/13
PUBLIC SAFETY APPROVED 5-0 (Fuller and Kalis not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, March 20, 2013

Appointment by the President of the Board of Aldermen

- #98-13 ANDREW COPELOTTI, 63 Broken Tree Road, Newton Centre appointed as a member of the Design Review Committee for a term to expire on December 31, 2013.
PUBLIC FACILITIES APPROVED 6-0 (Albright not voting)

- #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)

PUBLIC FACILITIES APPROVED 6-0 (Albright not voting)

- #114-13 HIS HONOR THE MAYOR requesting authorization to acquire a permanent sewer and drain easement in SEMINARY AVENUE. (Ward 4) [03-12-13 @4:51PM]
PUBLIC FACILITIES APPROVED 6-0 (Albright not voting)
- #98-12 ALD. SALVUCCI AND CICCONE requesting an update on the new water meter installation project and information on how the meters and related equipment are functioning. [03-27-12 @ 9:06 AM]
PUBLIC FACILITIES NO ACTION NECESSARY 6-0 (Albright not voting)
- #172-11 ALD. CROSSLEY, FULLER AND SCHNIPPER requesting discussion with the Utilities Division of the Public Works Department regarding the identification of storm water inflow connections to the sewer system, so as to begin the process of systematically eliminating such illegal connections, including notifications to property owners, educational materials, requirements for corrective actions and technical and financial assistance that may be available from the City in order to facilitate removal of inflow connections. [05/26/11 @3:33 PM]
PUBLIC FACILITIES NO ACTION NECESSARY 6-0 (Albright not voting)
- #352-11 ALD. JOHNSON & SCHNIPPER requesting a discussion with the Utilities Department regarding the City of Newton's current water billing practices. [10/14/11 @ 2:31 PM]
PUBLIC FACILITIES NO ACTION NECESSARY 6-0 (Albright not voting)
- #244-10 ALD. SALVUCCI requesting discussion with the Utilities Director and the Public Works Commissioner regarding the possibility of installing second water meters for outside irrigation. [08/17/10 @12:18 PM]
PUBLIC FACILITIES NO ACTION NECESSARY 6-0 (Albright not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #383-11(4) HIS HONOR THE MAYOR recommending that Section 29-80 (b)(1) of the City of Newton Revised Ordinances, 2007 be amended by revising the stormwater rates as follows: single-family residences \$25 per year, two-family residences \$37.50 per year, and multi-family (3 units or more), commercial, industrial, and institutional properties (to include non-profits) would be charged at a rate of \$25 per Equivalent Residential Unit of 2,600 square feet of impervious surface on the property to take effect on July 1, 2012. [04-09-12 @ 2:39 PM]
FINANCE VOTED NO ACTION NECESSARY 6-0 (Lappin, Rice not voting) on 03/27/13
PUBLIC FACILITIES NO ACTION NECESSARY 6-0-1(Albright abstaining)

REFERRED TO FINANCE COMMITTEE

Wednesday, March 27, 2013

- #117-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of five hundred thousand dollars (\$500,000) from the March 7, 2013 Declaration of Overlay Surplus as declared by the Chairman of the Board of Assessors to the Rainy Day Stabilization Fund. [03/11/13 @ 5:43 PM]
FINANCE APPROVED AS AMENDED 8-0

REFERRED TO PUBLIC SAFETY/TRANSPORTATION & FINANCE COMMITTEES

- #119-13 ALD. CICCONE, on behalf of the Police Department requesting that **Sec. 19-174. Parking of Commercial Vehicles and Trailers** be amended to increase fines. [03/06/13 @ 2:49 PM]
PS&T APPROVED 5-0 (Fuller, Kalis not voting) on 03/20/13
FINANCE APPROVED 8-0

REFERRED TO PUBLIC SAFETY/TRANSPORTATION & FINANCE COMMITTEES

- #279-10(2) ALD. LINSKY requesting an amendment to the City of Newton Ordinances Chapter 19 to establish fees for permit parking stickers for the proposed Newton North Area Parking Plan. [03-14-13@ 2:08 PM]
PS&T APPROVED 6-0 (Fuller not voting) on 03/20/13
FINANCE APPROVED 8-0

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF THE FINANCE COMMITTEE TO POLL THE COMMITTEE IN ORDER TO CHANGE THE COMMITTEE'S VOTE ON THE FOLLOWING ITEM TO HELD WAS APPROVED BY VOICE VOTE

- #14-13(2) HIS HONOR THE MAYOR requesting amendment of the Municipal Whistleblower Policy, which was approved by the Board of Aldermen on February 4, 2013, to provide a more consistent policy. [03/11/13 @ 5:43 PM]
FINANCE APPROVED 6-0 (Lappin, Rice not voting)
FINANCE HELD 7-0

Clerk's Note: The Chair of the Committee wanted the members of the Committee to have time to review the changes in the draft that was provided earlier in the day so asked to hold the item in committee.

- #115-13 HIS HONOR THE MAYOR requesting an amendment to the City of Newton Ordinances §7-91(3b) by deleting the requirement that independently audited annual financial statements be provided to the City after the conclusion of each fiscal year by Newton Community Farm, Inc. [03/11/13 @ 5:44 PM]
FINANCE APPROVED 6-0 (Lappin, Rice not voting)

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF THE PROGRAMS & SERVICES COMMITTEE TO POLL THE COMMITTEE IN ORDER

TO CHANGE THE COMMITTEE'S VOTE ON THE FOLLOWING TWO ITEMS TO NO ACTION NECESSARY WAS APPROVED BY VOICE VOTE

REFERRED TO PROG & SERV, PUB FACIL. & FINANCE COMMITTEES

- #130-11 PAUL COLETTI, ALD. SANGIOLO, DANBERG, & JOHNSON requesting Home Rule Legislation to create a Capital Preservation Fund for the City of Newton modeled on the Community Preservation Fund to address the capital needs of the City. [04/11/11 @9:42 PM]
PUBLIC FACILITIES NO ACTION NECESSARY 6-0 (Lennon not voting) on 10/18/11
PROGRAMS & SERVICES APPROVED 5-0-3 (Fischman, Baker, Blazar abstaining) on 03/21/12
FINANCE NO ACTION NECESSARY 6-0 (Lappin, Rice not voting)
PROGRAMS & SERVICES NO ACTION NECESSARY 7-0

- #130-11(A) PROGRAMS & SERVICES COMMITTEE requesting the Finance Committee review alternate proposed Home Rule Legislation language related to the creation of a Capital Preservation Fund.
PROGRAMS & SERVICES APPROVED & REFERRED TO FINANCE 7-0-1 (Blazar abstaining) on 03/21/12
FINANCE NO ACTION NECESSARY 6-0 (Lappin, Rice not voting)
PROGRAMS & SERVICES NO ACTION NECESSARY 7-0

REFERRED TO PUBLIC SAFETY&TRANS & FINANCE COMMITTEES

- #363-10(2) ALD. ALBRIGHT proposing a trial of parking meter free Saturdays between Thanksgiving and New Year for the shopping areas to support shopping at local businesses in Newton. [02-10-12 @9:13 AM]
PS & T VOTED NO ACTION NECESSARY on 02/06/13
FINANCE NO ACTION NECESSARY 6-0 (Lappin, Rice not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #383-11(4) HIS HONOR THE MAYOR recommending that Section 29-80 (b)(1) of the City of Newton Revised Ordinances, 2007 be amended by revising the stormwater rates as follows: single-family residences \$25 per year, two-family residences \$37.50 per year, and multi-family (3 units or more), commercial, industrial, and institutional properties (to include non-profits) would be charged at a rate of \$25 per Equivalent Residential Unit of 2,600 square feet of impervious surface on the property to take effect on July 1, 2012. [04-09-12 @ 2:39 PM]
PUBLIC FACILITIES VOTED NO ACTION NECESSARY 6-0-1 (Albright abstaining) on 03/20/13
FINANCE NO ACTION NECESSARY 6-0 (Lappin, Rice not voting)

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

REFERRED TO PROGRAMS & SERVICES COMMITTEE

#139-13 HIS HONOR THE MAYOR AND THE VICE PRESIDENT OF THE BOARD OF ALDERMEN requesting a discussion of reorganization plans to consolidate the elections Department into the City Clerk/Clerk of the Board's Office.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 18 YEAS, 2 NAYS (Ald. Albright and Hess-Mahan), 3 ABSENT (Ald. Crossley, Lappin and Lennon), 1 VACANCY TO TAKE THE FOLLOWING ACTION:

REFERRED TO ZONING & PLANNING COMMITTEE

#25-12 TERRENCE P. MORRIS, G. MICHAEL PEIRCE, JASON ROSENBERG, JOHN LOJEK proposing to amend section 30-15(c)(3)(b) by inserting the word "*subject*" before the word "*lot*", the word "*and*" before the word "*such*" and the word "*adjoining*" after the word "*such*" so that the paragraph reads as follows:
(b) if the subject lot was held in common ownership at any time after January 1, 1995 with an adjoining lot or lots that had continuous frontage on the same street with the subject lot and such adjoining lot had on it a single-family or two-family dwelling.

ZONING & PLANNING NO ACTION NECESSARY 7-0

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 18 YEAS, 2 NAYS (Ald. Albright and Hess-Mahan), 1 RECUSED (Ald. Laredo), 3 ABSENT (Ald. Crossley, Lappin and Lennon), 1 VACANCY TO TAKE THE FOLLOWING ACTION:

REFERRED TO ZONING & PLANNING COMMITTEE

#162-12 THE ECONOMIC DEVELOPMENT COMMISSION requesting a one-year moratorium, starting immediately, where no bank shall be allowed to be built or opened for business on the ground floor of any building in any Business District within the city unless granted a Special Permit from the Board of Aldermen.
[05-17-12 @ 4:18 PM]

ZONING & PLANNING NO ACTION NECESSARY 6-0-1 (Kalis abstaining)