

REPORTS DOCKET

March 19: Land Use Continued
March 20: Programs&Services; Public Safety&Transportation; Public Facilities Page 68
March 27: Finance; Zoning & Planning Monday, March 18, 2013
7:45 PM, Newton City Hall
To be reported on
MONDAY, APRIL 1, 2013

CITY OF NEWTON

IN BOARD OF ALDERMEN

UNFINISHED BOARD BUSINESS

Motion to Reconsider filed by Ald. Hess-Mahan on March 18, 2013

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

REFERRED TO LAND USE COMMITTEE

Tuesday, March 19, 2013

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

Public Hearings were held on the following items:

#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; 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; 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
APPROVED 7-0

REFERRED TO ZONING & PLANNING COMMITTEE

Wednesday, March 27, 2013

Present: Ald. Johnson (Chairman), Swiston, Sangiolo, Yates, Danberg, Baker and Kalis
absent: Ald. Lennon; also present: Ald. Hess-Mahan, Albright, Linsky, Fischman, Harney, Lappin, Gentile, and Rice

#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.
NO ACTION NECESSARY 7-0

#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]

HELD 7-0

#11-12 ALD. HESS-MAHAN & LINSKY requesting discussion on the implementation and enforcement of the provisions of Section 30-5(c)(1) of the Newton Ordinances which requires that “[w]henver the existing contours of the land are altered, the land shall be left in a usable condition, graded in a manner to prevent the erosion of soil and the alteration of the runoff of surface water to or from abutting properties.” [1/11/12 1:01PM]

HELD 5-0 (Baker and Kalis not voting)

#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]

NO ACTION NECESSARY 6-0-1 (Kalis abstaining)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, March 20, 2013

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

#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]

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]

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]

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

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).

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

APPROVED 5-0 (Fuller and Kalis not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, March 20, 2013

Present: Ald. Salvucci (Chairman), Lennon, Albright, Gentile, Crossley, Danberg, and Laredo;
absent: Ald. Lappin; also present: Ald. Fuller

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.

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)
- **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]
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]
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]
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]
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]
NO ACTION NECESSARY 6-0 (Albright not voting)

REFERRED TO PROG. & SERV AND PUBLIC FACILITIES COMMITTEES

- #36-12 ALD. CROSSLEY & FULLER requesting Home Rule legislation or an ordinance to require inspections of private sewer lines and storm water drainage connections prior to settling a change in property ownership, to assure that private sewer lines are functioning properly and that there are no illegal storm water connections to the city sewer mains.
A) Sewer lines found to be compromised or of inferior construction would have to be repaired or replaced as a condition of sale;
B) Illegal connections would have to be removed, corrected, and re-inspected in accordance with current city ordinances and codes, as a condition of sale.
[01/24/12 @ 8:07 AM]
HELD 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
NO ACTION NECESSARY 6-0-1(Albright 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 7-0

REFERRED TO FINANCE COMMITTEE

Wednesday, March 27, 2013

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

- #118-13 HIS HONOR THE MAYOR requesting authorization to expend of ninety-six thousand dollars (\$96,000) from the Federal Emergency Management Agency (FEMA) FY 2012 Assistance to Firefighter Grant Program and to transfer the sum of twenty-four thousand dollars (\$24,000) from Fiscal Year 2013 Fire Department Operating Budget to meet the local match requirement for the purpose of training and certifying 24 Fire Department personnel to the highest level of “Technical Rescue” specialization. [03/11/13 @ 5:43 PM]
HELD 8-0
- #116-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of four hundred thirty five thousand five hundred ten dollars (\$435,510) from the March 7, 2013 Declaration of Overlay Surplus as declared by the Chairman of the Board of Assessors to the Reserve for Statutory Interest on Property Tax Abatements. [03/11/13 @ 5:43 PM]
HELD 8-0
- #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]
APPROVED AS AMENDED 8-0

- #247-12 RECODIFICATION COMMITTEE recommending that Chapter 18 MEMORIAL FUNDS AND TRUSTS be reviewed relative to the consequences and practices of special legislation passed by the General Court in 2007, Chapter 75 of the Acts of 2007, in which the City sought and was granted an exemption from G.L. Chapter 44 §54, which intent was to allow the City greater flexibility in terms of investments.
HELD 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
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
APPROVED 8-0

- #209-10(4) HIS HONOR THE MAYOR requesting that the Board of Aldermen establish an irrevocable Other Post Employment Benefits Trust Agreement. [02/25/13 @ 6:32 PM]
HELD 5-0 (Fuller recused, Lappin, Linsky not voting)

- #209-10(5) HIS HONOR THE MAYOR requesting that the Board of Aldermen direct the City Treasurer/Collector acting as custodian of the City's OPEB trust to invest all City OPEB trust funds with the State Retiree Benefits Trust Fund pursuant to Massachusetts General Law Chapter 32A, Section 24. [03/12/13 @ 4:03 PM]
HELD 5-0 (Fuller recused, Lappin, Rice not voting)

- #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]
APPROVED 6-0 (Lappin, Rice not voting)

- #78-10(2) HIS HONOR THE MAYOR requesting amendments to the Financial Management Guidelines approved by the Board of Aldermen on April 12, 2011. [03/11/13 @ 5:43 PM]
HELD 8-0

#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]
APPROVED 6-0 (Lappin, Rice not voting)

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
NO ACTION NECESSARY 6-0 (Lappin, Rice not voting)

#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
NO ACTION NECESSARY 6-0 (Lappin, Rice not voting)

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
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
NO ACTION NECESSARY 6-0 (Lappin, Rice 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