

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, July 8, 2013

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

Absent: Ald. Danberg, Kalis, Sangiolo and Swiston 1 Vacancy

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

REFERRED TO PUBLIC FACILITIES COMMITTEE

#225-13 **CHRIS UTANO**, 295 Upland Avenue, Newton Highlands, petitioning for a main drain extension in NOD HILL ROAD to a proposed manhole at the intersection of Upland Avenue 220' ± in a northeasterly direction to a proposed manhole in Nod Hill Road. (Ward 8) [05/28/13 @ 2:05 PM]
PETITIONER TO PAY ENTIRE COST
PUBLIC FACILITIES APPROVED SUBJECT TO SECOND CALL 6-0
(Laredo not voting)

APPROVED UNANIMOUSLY BY VOICE VOTE

Clerk's Notes: The Vice-Chair of the Public Facilities Committee reported that they had held a lengthy discussion on this item and that there were a number of the neighbors in attendance at the meeting. This item relates to by-right construction that is on-going at the site but which has created concern amongst the neighbors. A stop work order was put in place on the project in December due to questions and concerns from the neighbors. The item under discussion tonight is just to approve a main drain extension to the site. There are several conditions that have been incorporated into the Draft Board Order and Ald. Lappin spoke in favor of the Board Order stating that the Order incorporates those conditions that were discussed in committee that could be incorporated into a Board Order. She noted that other concerns will be addressed in a construction management plan that will be created for the project. The question of postponing the item was raised in order to get further clarification on some of the issues which were raised in an e-mail sent earlier in the day by City Engineer John Dahglan. Ald. Lappin noted that the items mentioned in the e-mail could not be addressed by this Board Order. Several members of the Board asked that this item not be delayed as there is significant flooding in the area due to the construction and this main drain extension would alleviate the problem.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 19 YEAS, 4 ABSENT (Ald. Danberg, Kalis, Sangiolo and Swiston), 1 VACANCY TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, June 19, 2013

A Public Hearing was held on the following item:

- #198-13 **THE ORGANIZERS OF THE WABAN NEIGHBORHOOD SERVICE AREA** requesting the Board of Aldermen to establish by resolution a Waban Neighborhood Service Area pursuant to Article 9, Section 9-3, of the City of Newton Charter. [05/15/13 @ 4:09 PM]
PUBLIC HEARING CLOSED
PROGRAMS & SERVICES APPROVED 4-0 (Sangiolo and Fischman not voting)
- #7-13 **HIS HONOR THE MAYOR** seeking Home Rule Legislation relative to the acquisition from the Commonwealth of the Waban Hill Reservoir located on Manet Road. [12/31/12 @ 12:50 PM]
PROGRAMS & SERVICES APPROVED 6-0
- #68-12(2) **ALD. YATES, MERRILL** requesting that a detailed inventory of the more than 100 photographs, paintings, drawings and other images of the Civil War, World War I, World War II in the office section of the War Memorial Hall be prepared and a plan be developed for their public display in whole or in part before or during the city's observance of the 150th anniversary of the Civil War through 2015 and the centennial of World War I from 2014-2015. [03/23/12 @ 1:43 PM]
PROGRAMS & SERVICES NO ACTION NECESSARY 4-0 (Sangiolo and Fischman not voting)
- #68-12 **ALD. YATES, MERRILL** asking that the Executive Department develop a detailed plan for the storage of the veterans archives currently housed in the War Memorial that allows for proper access to the records by veterans, their families, and historians, both amateur and professional. [03/05/12 @ 9:40 PM]
PROGRAMS & SERVICES NO ACTION NECESSARY 4-0 (Sangiolo and Fischman not voting)
- #67-12 **ALD. ALBRIGHT** seeking a discussion with the Executive Department regarding a plan and timeline for funding an archivist/records manager position for the city to oversee the preservation, cataloguing, and organization of the city archives; provide guidance and assistance to city departments that are maintaining their own archives in order to ensure that records are preserved, accessible, and maintained; and, plan for future storage needs as the collection continues to expand. [03/12/12 @ 10:28 AM]
PROGRAMS & SERVICES NO ACTION NECESSARY 4-0 (Ald. Sangiolo and Fischman not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, June 19, 2013

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

- #226-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of two hundred thousand dollars (\$200,000) from Fire/Rescue Salaries to a capital account for Fire Department Equipment. [06/10/13 @ 6:54 PM]
PUBLIC SAFETY APPROVED 6-0
- #337-12 ALD. LINSKY, CICCONE, ALBRIGHT & JOHNSON, requesting authorization for the installation of a bicycle corral adjacent to 321 Walnut Street, Newtonville. [10/11/12 @ 8:18 PM]
PUBLIC SAFETY NO ACTION NECESSARY 6-0
- #268-12 WARD 2 ALDERMEN, filing an appeal from TC29-12 (A&B), which requested removal of metered parking spaces on Walnut Street across from Washington Park and Madison Avenue (Ward 2), approved by Traffic Council on July 26, 2012. (Appeal filed 08/13/12; TC29-12B Denied on 10/03/12)
PUBLIC SAFETY A) APPEAL DENIED 6-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, June 19, 2013

- #224-13 COMCAST OF NEW ENGLAND petitioning for a grant of location to install 204' ± of conduit in WALNUT STREET from existing Pole # V2 437/23 to 823-833 Washington Street. (Ward 2) [05/22/13 @ 2:57 PM]
PUBLIC FACILITIES APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #227-13 HIS HONOR THE MAYOR requesting authorization to enter into an Inter-Municipal Agreement with the Town of Wellesley detailing Wellesley's obligation to fund half of the construction contract costs associated with structural repairs to the jointly owned Wales Street Bridge. [06/10/13 @ 6:54 PM]
PUBLIC FACILITIES APPROVED 5-0 (Laredo, Lappin not voting)
FINANCE APPROVED 7-0

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF THE LAND USE COMMITTEE TO POLL HIS COMMITTEE TO ACCEPT THE FOLLOWING TWO EXTENSIONS OF TIME IN WHICH TO ACT ON A SPECIAL PERMIT WAS APPROVED BY VOICE VOTE

#258-12(6) AGREEMENT to an EXTENSION of TIME in which to ACT on BH Normandy Riverside, LLC/327 Grove Street petition #258-12(2) for a SPECIAL PERMIT/SITE PLAN APPROVAL; said EXTENSION will run from August 14, 2013 to September 24, 2013.

LAND USE APPROVED 7-0

#272-12(7) AGREEMENT to an EXTENSION of TIME in which to ACT on BH Normandy Riverside, LLC/399 Grove Street (Hotel Indigo) petitions #272-12 and #272-12(3) for a SPECIAL PERMIT/SITE PLAN APPROVAL; said EXTENSION will run from August 14, 2013 to September 24, 2013.

LAND USE APPROVED 7-0

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF THE FINANCE COMMITTEE TO REPORT WITHOUT A WRITTEN REPORT ON THE FOLLOWING THREE ITEMS THAT WERE TAKEN UP BY THE COMMITTEE EARLIER IN THE EVENING WAS APPROVED BY VOICE VOTE

REFERRED TO FINANCE COMMITTEE

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#227-13 HIS HONOR THE MAYOR requesting authorization to enter into an Inter-Municipal Agreement with the Town of Wellesley detailing Wellesley's obligation to fund half of the construction contract costs associated with structural repairs to the jointly owned Wales Street Bridge. [06/10/13 @ 6:54 PM]

PUBLIC FACILITIES APPROVED 5-0 (Laredo, Lappin not voting)

FINANCE APPROVED 7-0

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

#226-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of two hundred thousand dollars (\$200,000) from Fire/Rescue Salaries to a capital account for Fire Department Equipment. [06/10/13 @ 6:54 PM]

PS&T APPROVED 6-0 on 06/19/13

FINANCE APPROVED 7-0

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 18 YEAS, 4 ABSENT (Ald. Danberg, Kalis, Sangiolo and Swiston), 1 RECUSED (Ald. Fuller), 1 VACANCY TO TAKE THE FOLLOWING ACTION:

Appointment by President Lennon

#213-13(2) ALDERMAN RUTHANNE FULLER appointed pursuant to the City of Newton Other Post-Employment Benefits Trust Agreement (OPEB) established in #209-10(4) as the Board of Aldermen representative to the OPEB Trust Fund for a term of office to expire June 30, 2015. [06-13-13 @5:03 PM]

FINANCE APPROVED 6-0- 1 RECUSED (Ald. Fuller)

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 FINANCE COMMITTEE

#256-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of two thousand five hundred dollars (\$2,500) from the Inspectional Services Part-time Salaries Account to the Inspectional Services Temporary Staffing Account. [07-08-13 @ 10:33 AM]

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public Hearing assigned for August 13, 2013:

#229-13 NEEDHAM CHESTNUT REALTY, LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and for a NONCONFORMING STRUCTURE to demolish an existing single-story building of approximately 14,084 s.f. and construct a new single-story building containing approximately 7,140 s.f. to be used for retail and restaurant purposed and to waive certain dimensional requirements such as minimum aisle wider, lighting, loading docket, interior landscaping, etc. at 170 NEEDHAM STREET, Ward 8, on land known as SBL 83, 28, 2 containing approx. 24,422 s.f. of land in a district zoned MIXED USE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-13(b), (b)(1) and (5), 30-19(m), 30-19(h)(3), (j)(1), (l) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for August 13, 2013:

#230-13 FALLON CUSTOM HOMES/CELINE GREGOIRE & YVES RAYMOND petition for a SPECIAL PERMIT/SITE PLAN APPROVAL/EXTENSION of a NONCONFORMING STRUCTURE to enclose an existing open porch to create a mudroom of approximately 122 s.f. and to build a new enclosed basement staircase, which will increase the Floor Area Ratio from .46 to .48, exceeding the .39 maximum allowed by right, at 31 LORING STREET, Ward 7, Newton Centre, on land known as SBL 73, 29, 5, containing approximately 11,374 s.f. of land in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-21(b), 30-15(u) 30-15 Table A of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for August 13, 2013:

#231-13 JAMES KOERT, CU, INC. d/b/a/ MyGym/DAN WOOLEY & JOHN FINLEY III, TRUSTEES c/o CREATIVE DEVELOPMENT CO., LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to locate a for-profit physical educational use for children at 30 OSSIPEE ROAD/70 LINDEN STREET, Ward 5, Newton Upper Falls, on land known as Sec. 51, Blocks 34 and 35, Lots 1 and 2 in a district zoned MANUFACTURING. Ref: Sec 30-24, 30-23 and 30-5(b)(2) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for August 13, 2013:

#232-13 TRACY & LARRY RICHMOND petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 3-car attached garage and add second-floor space and expand the kitchen, increasing the Floor Area Ratio from .28 to .35, where .29 is allowed by right, at 38 BEECHCROFT ROAD, Ward 7, on land known as SBL 72, 35, 2, containing approximately 19,058 s.f. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15(u), 30-15 Table A.

Public Hearing assigned for August 13, 2013:

#233-13 DAVID SANDS, TRUSTEE of 37 BALDPATE HILL ROAD NOMINEE TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE in order to expand an existing mudroom and to construct a rear addition to the first and second floors, increasing the Floor Area Ratio from .36 to .41, where .29 is allowed by right, at 37 BALDPATE HILL ROAD, Ward 8, on land known as SBL 82, 25, 52, containing approximately 23,455 s.f. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b) 30-15 Table A, 30-15(u) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for August 13, 2013:

#234-13 PETER G. SMICK petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to widen an existing driveway to allow side-by-side parking for two cars in the front setback including the removal of an existing retaining wall at 48 SUMMIT STREET, Ward 1, Newton, on land known as SBL 12, 21, 28, containing approximately 5,010 s.f. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-19(g)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for August 13, 2013:

#235-13 JACOB & ASSOCIATES INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING USE/STRUCTURE for the addition of a canopy over gasoline pumps and if necessary for a freestanding sign at an existing gasoline service station at 1232-1236 WASHINGTON STREET, Ward 3, West Newton, on land known as SBL 31, 4, 14, containing approximately 20,933 s.f. of land in a district zoned BUSINESS 1. Ref: Sec. 30-24, 30-23, 30-21(a)(2)a), and 30-20(l) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for August 13, 2013:

#218-13(2) FALLON DEVELOPMENT INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a rear lot subdivision to construct two single-family dwellings, including if necessary relief to locate the proposed rear house further away from the proposed rear lot line at 131 OTIS STREET, Ward 2, Newtonville, on land known as SBL 24, 12, 16, containing approximately 48,677 sq. ft. of land, in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-15(r), 30-15(r) Table 4 Footnote 3 of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for August 13, 2013:

#236-13 CHARLES RIVER COUNTRY CLUB petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING USE to expand the existing clubhouse loggia by approximately 427 s.f.; to add a Bag Room (approximately 1,080 s.f.) adjacent to the 1st fairway; to expand the props shop (approximately 43 s.f.), to expand the second floor Pub over the props shop by approximately 951 s.f. , and to fill in on each of three levels at the left of the building (approximately 819 s.f.), all of which proposed changes will bring the building interior up to current regulations and codes, making it more accessible, and define separation of users and service providers at 483 DEDHAM STREET, Ward 8, on land known as Sec 83 and 84, Blocks 34, 35, 36, Lots 1 and 4, containing approximately 6,466,022 s.f. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)a), 30-21(b), 30-8(b)(5) of the City of Newton Rev Zoning Ord, 2012 and special permit nos.136-10, 261-96, 48-87, 36-74, and #108006.

Public Hearing assigned for August 13, 2013:

#237-13 SEVENTY FIVE to SEVENTY SEVEN AUBURN ST. TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to reconfigure an existing two-family dwelling into three units with a 2-car garage and to construct two additional attached dwelling units with 2-car garages at the rear for a total of five units at 75-77 AUBURN STREET, Ward 3, Auburndale, on land known as SBL 33, 6, 42, containing approximately 31,437 square feet of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15 Table 1, 30-9(b)(5) and (b)(5)b), of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for July 10, 2013:

#245-13 NSTAR ELECTRIC petitioning for a grant of location to install:

- 279' ± of conduit in ROYCE ROAD from a proposed manhole (MH28599) at the intersection of Morton Road and Royce Road in an easterly direction to Manhole # MH8531.
- 392' ± of conduit in MORTON STREET from Manhole #MH8531 in a southerly direction to a proposed manhole (MH27976) at the intersection of Morton Street and Morton Road.
- 747' ± of conduit in MORTON ROAD from the proposed manhole at the intersection of Morton Street and Morton Road in a westerly direction thence turning in a northerly direction at a proposed manhole (MH27975) continuing 120' ± to a proposed manhole (MH28603) thence continuing in a northerly direction to the intersection of Morton Road and Royce Road. (Ward 2) [06/18/13 @ 12:09 PM]

Public Hearing assigned for July 10, 2013:

#246-13 NATIONAL GRID petitioning for a grant of location to install and maintain 50' ± of 4" gas main in LARKIN ROAD from the existing 4" gas main at 31 Larkin Road westerly to 25 Larkin Road. (Ward 3) [06/19/13 @ 10:35 AM]

Public Hearing assigned for July 10, 2013:

#247-13 NATIONAL GRID petitioning for a grant of location to install and maintain 225' ± of 4" gas main UPLAND AVENUE from the existing 4" gas main in Rachel Road northerly to 355 Upland Avenue. (Ward 8) [06/27/13 @ 12:59 PM]

Public Hearing assigned for July 10, 2013:

#248-13 NATIONAL GRID petitioning for a grant of location to install and maintain 35' ± of 4" gas main in MAYNARD STREET from the existing 4" gas main in Emmons Street westerly to 66 MAYNARD STREET. (Ward 3) [06/27/13 @ 12:59 PM]