

## REPORTS DOCKET

Oct: 22: Land Use; Zoning & Planning Continued  
Oct: 23: Programs & Services; Public Safety & Transportation; Public Facilities Page 247  
Oct: 28: Finance: Zoning & Planning Monday, October 21, 2013  
7:45 PM, Newton City Hall  
To be reported on  
**MONDAY, NOVEMBER 4, 2013**

### CITY OF NEWTON

#### IN BOARD OF ALDERMEN

#### UNFINISHED BOARD BUSINESS

*Item Chartered by Alderman Baker on October 21, 2013:*

#305-13 JESSICA O'ROURKE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing detached garage and construct a new garage with an accessory apartment on the second floor at 305 ALBEMARLE ROAD, Ward 3, NEWTONVILLE, on land known as SBL 31, 28, 17, containing approximately 10,345 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-8(b)(7), (d)(2), (d)(2)(b), of the City of Newton Rev Zoning Ord, 2012.  
**PUBLIC HEARING CLOSED; LAND USE APPROVED 5-0 on 10-15-13**

#### REFERRED TO LAND USE COMMITTEE

Tuesday, October 22, 2013

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

Application for a Class 2 Automobile Dealer License

#360-13 MAVERICK MOTORS, INC. (Gregory G. Keshishyan)  
1209 Washington Street, West Newton 02465  
**APPROVED 5-0**

#291-13 NEWTON RESTAURANT, LLC./PINKY'S PLACE, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING USE to increase an existing nonconforming restaurant containing 74 seats to 116 seats; to waive the requirement for an additional 16 parking stalls; and to utilize an adjacent parcel to meet a portion of the required parking at 1205 CHESTNUT STREET, Ward 5, Newton Upper Falls, on land known as SBA 51, 45, 11, containing approximately 12,012 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)a, 30-19(f)(2), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.  
**APPROVED 5-0**

#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), (b)(5)(a) and (b)(5)b), of the City of Newton Rev Zoning Ord, 2012.

**HELD 5-0**

**REFERRED TO ZONING & PLANNING COMMITTEE**

Tuesday, October 22, 2013

Present: Ald. Johnson (Chairman), Danberg, Baker, Kalis, Yates, Lennon and Sangiolo;  
absent: Ald. Swiston; also present: Ald. Schwartz and Harney

#309-13     DEPT. HEADS HAVENS AND ZALEZNIK requesting amendments to the City Of Newton Zoning Ordinance, **Chapter 30**, as needed to add a definition of Medical Marijuana Treatment Center and to establish parameters regarding what districts and under what conditions Medical Marijuana Treatment Centers will be allowed within the City of Newton. [09/11/13 @ 4:12PM]

**HELD 7-0**

#295-13     ALD DANBERG proposing amendment to **Sec. 30-24(f) Inclusionary Zoning** by deleting paragraph (11) *Hotels* in its entirety to remove the requirement that new hotel developments must make cash payments to the City in support of housing for low and moderate income housing. [08/26/13 @ 12:30PM]

**HELD 7-0**

#64-12     ALD. HESS-MAHAN requesting an amendment to Newton Revised Ordinances **Sec 30-24(f)(8)(b)** to clarify the inclusionary zoning preference provisions for initial occupancy of units for households displaced by the development thereof and for units to serve households that include persons with disabilities.

[03-14-12 @8:54AM]

**HELD 7-0**

**REFERRED TO ZONING & PLANNING COMMITTEE**

Monday, October 28, 2013

Present: Ald. Johnson (Chairman), Baker, Yates, Danberg, Kalis, Swiston, Sangiolo and Lennon

Also Present: Ald. Hess-Mahan and Albright

#64-12 ALD. HESS-MAHAN requesting an amendment to Newton Revised Ordinances **Sec 30-24(f)(8)(b)** to clarify the inclusionary zoning preference provisions for initial occupancy of units for households displaced by the development thereof and for units to serve households that include persons with disabilities. [03-14-12 @8:54AM]

**HELD 5-0 (Swiston, Sangiolo and Lennon not voting)**

#296-13 ALD. DANBERG proposing amendment to **Sec. 30-24(f) Inclusionary Zoning** by reorganizing and clarifying the provisions regarding purchaser and renter income limits and sale and rental price limits. [08/26/13 @ 12:30PM]

**HELD 8-0**

#294-13 ALD. DANBERG proposing amendment to **Sec.30-24(f) Inclusionary Zoning** to clarify the limitation on use of public funds in constructing inclusionary units and to expand on where the use of public funds for inclusionary units will be allowed. [08/26/13 @ 12:30PM]

**HELD 8-0**

#309-13 DEPT. HEADS HAVENS AND ZALEZNIK requesting amendments to the City Of Newton Zoning Ordinance, **Chapter 30**, as needed to add a definition of Medical Marijuana Treatment Center and to establish parameters regarding what districts and under what conditions Medical Marijuana Treatment Centers will be allowed within the City of Newton. [09/11/13 @ 4:12PM]

**HELD 8-0**

**REFERRED TO PROGRAMS AND SERVICES COMMITTEE**

Wednesday, October 23, 2013

Present: Ald. Sangiolo (Chairman), Linsky, Baker, Fischman, Blazar; absent: Ald. Hess-Mahan and Rice; one vacancy; also present: Ald. Fuller and Harney

#223-13 ALD. HESS-MAHAN proposing an amendment to the City of Newton Charter, **Section 2-5 Filling of Vacancies**, to delete the requirement that “the Board of Aldermen *shall forthwith* call a special election to fill a vacancy” and replace it with “the Board of Aldermen *may* call a special election to fill a vacancy.” [06/07/13 @1:31 PM]

**HELD IN COMMITTEE AT THE 10/07/13 BOARD MEETING**  
**APPROVED AS AMENDED 4-0-1 (Sangiolo abstaining)**

- #335-12     DAVID OLSON requesting a discussion of Mayor Warren’s Executive Order #1 which authorizes the use of remote participation for City Boards and Commissions as it relates to and effects the Board of Aldermen’s Committee and Full Board meetings, and to make any necessary changes to the Board Rules to allow and regulate remote participation should it be deemed acceptable.  
 [10/3/12 @ 4:56PM]  
**NO ACTION NECESSARY 3-2 (Sangiolo and Linsky opposed)**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, October 23, 2013

Present: Ald. Ciccone (Chair), Johnson, Yates, Schwartz, Swiston, Fuller and Harney; absent: Ald. Kalis; also Present: Ald. Salvucci (Chair), Lennon, Albright, Crossley, Lappin and Laredo

**REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEE**

- #41-11     ALD. JOHNSON, LENNON AND DANBERG requesting discussion of the elimination, except during snow emergencies, of the overnight parking ban which is in effect from November 15 through April 15. [01/18/11 @ 9:00 PM]  
**PUBLIC FACILITIES APPROVED 3-0-3 on 10/23/13 (Albright, Crossley, and Lappin abstaining)**  
**APPROVED 6-0, Fuller not voting**

- #300-12     DIRECTOR OF PLANNING & DEVELOPMENT, requesting amendments to Chapter 19 to establish parameters around which parking meter “holidays” may be allowed and identifying the authority for making determinations of eligibility.  
 [09/24/12 @ 3:17 PM]  
**NO ACTION NECESSARY 6-0, Fuller not voting**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

WEDNESDAY, OCTOBER 23, 2013

Present: Ald. Salvucci (Chairman), Lennon, Albright, Crossley, Laredo, and Lappin; absent: Ald. Gentile and Danberg; also present: Ald. Ciccone, Johnson, Swiston, Harney, Yates, Schwartz, and Fuller

- #350-13     NATIONAL GRID petitioning for a grant of location to install and maintain 180’ ± of 2” gas main in HAGEN ROAD from the existing 4” gas main in Olde Field Road easterly to 99 Hagen Road. [10/08/13 @ 2:17 PM]  
**APPROVED 4-0 (Albright, Lennon not voting)**

- #351-13     HIS HONOR THE MAYOR requesting the confirmation of Joshua Morse as the Commissioner of Public Buildings, effective October 15, 2013 pursuant to Section 3-3 of the City Charter (30 days: 11/20/13). [10/16/13 @ 11:56]  
**APPROVED 6-0**

**REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEE**

- #41-11 ALD. JOHNSON, LENNON AND DANBERG requesting discussion of the elimination, except during snow emergencies, of the overnight parking ban which is in effect from November 15 through April 15. [01/18/11 @ 9:00 PM]  
**PUBLIC SAFETY APPROVED 6-0 on 10/23/13 (Fuller not voting)**  
**APPROVED 3-0-3 (Albright, Crossley, Lappin abstaining)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #359-13 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million one hundred thirty-eight thousand one hundred sixty dollars (\$1,138,160) from the Sewer Fund – Current Year Reserve in order to conduct accelerated sewer capital work in the Capital Improvement Plan Project I Sewer Rehabilitation Project. [10/16/13 @ 11:56 AM]  
**FINANCE APPROVED 7-0 on 10/28/13**  
**APPROVED 6-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #322-12(6) HIS HONOR THE MAYOR requesting rescission of the two million three hundred twenty-eight thousand eight hundred fifty-eight dollar (\$2,328,858) appropriation voted under Board Order #254-13, and to further amend the vote on Board Order #322-12(2) by reducing estimated Fiscal Year 2014 General Fund revenue by forty nine thousand two hundred thirty-seven dollars (\$49,237) and increasing the use of Other Available Funds (Fund Balance – NNHS MSBA Reimbursement) by forty nine thousand two hundred thirty seven dollars (\$49,237). [10/15/13 @ 7:44 PM]  
**FINANCE APPROVED 7-0 on 10/28/13**  
**APPROVED 6-0**

**REFERRED TO FINANCE COMMITTEE**

Monday, October 28, 2013

Present: Ald. Gentile (Chairman), Ciccone, Linsky, Rice, Blazar, Fuller, and Lappin  
 Absent: Ald. Salvucci

- #352-13 HIS HONOR THE MAYOR requesting authorization to expend a ten thousand dollars (\$10,000) grant from the Massachusetts Historical Commission to be used to document historic buildings in the City of Newton. [10/15/13 @ 7:44 PM]  
**APPROVED 5-0 (Ciccone, Linsky not voting)**
- #354-13 HIS HONOR THE MAYOR requesting authorization to expend a twenty two thousand thirty dollars (\$22,030) reimbursable grant from the Massachusetts Emergency Management Agency to be used to purchase equipment and related items for the City's Emergency Operations Center. [10/15/13 @ 7:44 PM]  
**APPROVED 6-0 (Ciccone not voting)**

- #41-11(2) ALD. CICCONE requesting implementation of the fees associated with the Winter Overnight Parking Pilot Program. [09/19/13 @ 3:49 PM]  
**APPROVED 5-0-1 (Linsky abstaining, Ciccone not voting)**
- #353-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of nine thousand eight hundred dollars (\$9,800) from the Police Department's Automobile Account to the Police Department's Rental Account for the purpose of leasing two motorcycles. [10/15/13 @ 7:44 PM]  
**NO ACTION NECESSARY 6-0 (Ciccone not voting)**
- #355-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty-five thousand dollars (\$25,000) from Police Full-time Salaries to Temporary Staffing Services to pay the weekly salary of the Police Department's current temporary employee through January 2014. [10/15/13 @ 7:44 PM]  
**APPROVED 6-0 (Ciccone not voting)**
- #356-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty-five thousand dollars (\$25,000) from Fiscal Year 2014 Budget Reserve to Part-time Salaries Traffic Bureau Account and authorization of the addition of a .5 FTE position in the Police Department. [10/15/13 @ 7:44 PM]  
**APPROVED 6-0 (Ciccone not voting)**
- #357-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of two million dollars (\$2,000,000) from July 1, 2013 Free Cash to the Rainy Day Stabilization Fund. [10/15/13 @ 7:44 PM]  
**APPROVED 6-0 (Ciccone not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #359-13 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million one hundred thirty-eight thousand one hundred sixty dollars (\$1,138,160) from the Sewer Fund – Current Year Reserve in order to conduct accelerated sewer capital work in the Capital Improvement Plan Project I Sewer Rehabilitation Project. [10/16/13 @ 11:56 AM]  
**PUBLIC FACILITIES APPROVED 6-0 on 10/23/13**  
**APPROVED 7-0 (Ciccone not voting)**
- #358-13 HIS HONOR THE MAYOR requesting authorization to increase the grant spending limits for the following 2014 state dispatch grants:
1. 911 Dispatch Support and Incentive Grant (19HH20114) – The 2014 City budget spending authorization is \$180,500 and the grant award is \$190,930; therefore the spending limit needs to be increased by \$10,430.
  2. 911 Dispatch Training Grant (19DD20114) – The 2014 City budget spending authorization is \$20,995 and the grant award is \$45,341; therefore, the spending limit needs to be increased by \$24,346.  
[10/15/13 @ 7:44 PM]
- APPROVED 6-0 (Ciccone not voting)**

- #322-12(5) HIS HONOR THE MAYOR requesting authorization to amend the Fiscal Year 2014 Budget Board Order #322-12(2) by reducing the estimated Fiscal Year 2014 General Fund revenue by \$15,272 and increasing the use of Other Available Funds (Fund Balance – NSHS MSBA Reimbursement) by fifteen thousand two hundred seventy two dollars (\$15,272). [10/15/13 @ 7:44 PM]  
**APPROVED 6-0 (Fuller not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #322-12(6) HIS HONOR THE MAYOR requesting rescission of the two million three hundred twenty-eight thousand eight hundred fifty-eight dollar (\$2,328,858) appropriation voted under Board Order #254-13, and to further amend the vote on Board Order #322-12(2) by reducing estimated Fiscal Year 2014 General Fund revenue by forty nine thousand two hundred thirty-seven dollars (\$49,237) and increasing the use of Other Available Funds (Fund Balance – NNHS MSBA Reimbursement) by forty nine thousand two hundred thirty seven dollars (\$49,237). [10/15/13 @ 7:44 PM]  
**PUBLIC FACILITIES APPROVED 6-0 on 10/23/13**  
**APPROVED 7-0**

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The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, please contact the Newton ADA Coordinator, Joel Reider, at least two days in advance of the meeting: [jreider@newtonma.gov](mailto:jreider@newtonma.gov) or 617-796-1145. For Telecommunications Relay Service dial 711.