

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, November 18, 2013

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

Absent: Ald. Johnson & Kalis

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

REFERRED TO LAND USE COMMITTEE

#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.

LAND USE APPROVED 5-0 on October 22, 2013

ITEM POSTPONED ON NOVEMBER 4 TO DATE CERTAIN OF NOVEMBER 18, 2013

MOTION TO RECOMMIT TO LAND USE WAS APPROVED BY VOICE VOTE

Clerk's Note: It was discovered after the Land Use Committee had approved the special permit that the map included with the Special Permit application was not accurate. A motion to recommit the item to Land Use to look at the implications was approved by Voice Vote.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 2 ABSENT (Ald. Johnson & Kalis), 1 RECUSED (Ald. Leary) TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

Tuesday, November 12, 2013

#257-13 WELLS AVENUE BUSINESS CENTRE, LLC. requesting that the restriction adopted by Board Order #276-68(3), dated November 18, 1968, and subsequent amendments be further amended to reflect a waiver of use restriction to permit a day care center to operate at 145 WELLS AVENUE, Ward 8. *NOTE: Public Hearing not required.*

LAND USE APPROVED 7-0

- #213-12(3) REQUEST FOR EXTENSIONS OF TIME in which to EXERCISE special permits #213-12 and #213-12(2) granted on November 5, 2012 to construct two single-story commercial buildings with an aggregate total gross floor area of 19,200 sq. ft.; to permit retail/service uses including restaurant uses containing up to 150 seats; to waive 20 parking stalls and certain dimensional requirements and associated fencing and lighting requirements for parking facilities greater than five stalls; to waive one required loading dock facility; and to allow a freestanding sign and the number of secondary signs and dimensionals at 49, 55, 71 NEEDHAM STREET, Ward 5; said EXTENSION will run from NOVEMBER 5, **LAND USE APPROVED 7-0**
- #190-12 YOUNG INVESTMENTS, LLC/NEWTON COMMUNITY SERVICE CENTER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing 2-story building and construct a 3-story (36.5') multi-family structure with 13 units (with a 1.47 FAR), 996 sq. ft. of office space on the first floor, an 18-stall below grade parking garage, a retaining wall greater than 4 feet in height in the setback, and to waive 11 parking stalls and certain parking dimensionals at 429 CHERRY STREET, Ward 3, WEST NEWTON, on land known as SBL 33, 12, 12, containing approximately 13,398 sq. ft. of land in district zoned Business 1. Ref: Sec 30-24, 30-23, 30-15 Table 3, 30-11(d)(8), 30-5(b) and (b)(4), 30-19(d)(1), (d)(11), 30-19(h)(3), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012. *Approved by the Board of Aldermen on December 3, 2012, this item was the subject of an appeal by the Greater Boston Chinese Cultural Association to Massachusetts Land Court on December 20, 2012; on January 30, 2013 the Land Court remanded the item for a new public hearing. The public hearing was opened on October 15, 2013 and continued to November 12.* **HEARING CONTINUED TO NOVEMBER 19, 2013**
- #315-13 CHRIS MURPHY & MARY DURR petition to AMEND special permit #332-90, which allowed one parking stall in the front yard, in order to construct a retaining wall of more than four feet in the front setback in order to provide 2 parking stalls in the front setback at 36-38 HIGH STREET, Ward 5, Newton Upper Falls, on land known as SBL 51, 6, 7, containing approximately 3,810 sf in a district zoned MULTI RESIDENCE 1. Ref: Sec. 30-24, 30-23, 30-19(g)(1) and (m), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012 and special permit #332-90. **HEARING CLOSED; LAND USE APPROVED 7-0**
- #330-13 DONNY & RAQUEL SANTANGELO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to connect an existing two-family dwelling to an existing detached garage with living space above, which will increase the Floor Area Ratio from .47 to .56, where .48 is the maximum allowed by right, at 3-5 MILTON AVENUE, Ward 4, West Newton, on land known as SBL 44, 14, 70, 71, containing approximately 6,962 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15 Table A and 30-15(u) of the City of Newton Rev Zoning Ord, 2012. **HEARING CONTINUED TO NOVEMBER 19, 2013**

- #331-13 MANOJ & VAISHALI SHINDE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a ±17-foot retaining wall greater than four feet in height within the front setback at 287 KENRICK STREET, Ward 7, NEWTON, on land known as SBL 72, 37, 18, containing approximately 11,141 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; LAND USE APPROVED 7-0
- REFERRED TO ZONING & PLANNING COMMITTEE**
Wednesday, November 13, 2013
- #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]
PUBLIC HEARING CLOSED; ZONING & PLANNING APPROVED 6-0 (Kalis not voting)
- #64-12(2) ALD. HESS-MAHAN requesting an amendment to Newton Revised Ordinances **Sec 30-24(f)(8)(b)** to clarify the existing inclusionary zoning preference provisions for initial occupancy of units, and to create a new preference for eligible households displaced by the development of those units.
PUBLIC HEARING CLOSED; ZONING & PLANNING APPROVED 6-0 (Kalis not voting)
- #309-13(4) DEPT. HEADS HAVENS , ZALEZNIK requesting amendments to the City of Newton Zoning Ordinance, Chapter 30, to create new zoning regulations allowing the use of land, structures and buildings for registered marijuana dispensaries in certain business and mixed use zoning districts within the City by special permit, and to establish minimum standards and criteria for the granting of such special permits.
PUBLIC HEARING CLOSED; 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]
ZONING & PLANNING NO ACTION NECESSARY 7-0
- #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]
ZONING & PLANNING NO ACTION NECESSARY 7-0

- #423-12 ALD. JOHNSON AND SANGIOLO requesting that the Director of Planning & Development and the Commissioner of Inspectional Services review with the Zoning & Planning Committee their analysis of the FAR regulations and assessment of the possible impact on housing construction and renovation in the City. [12/03/12 @ 9:14 AM]
ZONING & PLANNING NO ACTION NECESSARY 7-0
- #328-12 DINO ROSSI, 362 Watertown Street, Newton, requesting that the current Table A in Section 30-15 of the City of Newton Ordinances be replaced with the Sliding FAR Scale Table that was presented by the FAR Working Group in their Final Report [10/26/12 @ 11:08 AM]
ZONING & PLANNING NO ACTION NECESSARY 7-0

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, November 6, 2013

- #344-13 ZAKARIA ATROUSSE, 9 Hazelwood Street, Malden, MA 02148, requesting renewal of **one (1) public auto license** for Boston City Limousine, Inc.
PUBLIC SAFETY APPROVED 5-0, SUBJECT TO SECOND CALL
MOTION TO SUSPEND THE RULES TO POLL THE COMMITTEE TO TAKE THIS ITEM UP ON FIRST CALL WAS APPROVED BY VOICE VOTE.
PUBLIC SAFETY APPROVED 6-0
- Clerk's Note:** The Chair of the Public Safety Committee noted that this item was voted subject to second call as the inspection on the vehicle that needed to be done was unable to be scheduled. He reported that the inspection has now been done and the vehicle passed inspection. Therefore, the chair made a motion to suspend the rules to poll his committee to vote this item on first call.
- #346-13 DONALD LaPLANTE, 395 Lexington Street, Auburndale, MA 02466, requesting renewal of **(one) public auto license** for Don's Car Service.
PUBLIC SAFETY APPROVED 4-0 (Harney not voting)
- #333-13 MICHAEL ANTONELIS, 224 Calvary Street, Waltham, MA 02453, requesting renewal of **four (4) public auto licenses, forty-nine (49) taxi licenses, and five (5) designated taxi stands** for Veterans Taxi of Newton, LLC.
PUBLIC SAFETY APPROVED 5-0
- #334-13 RICHARD E. JOHNSTON, 25 Border Street, West Newton, MA 02465 requesting renewal of **twenty (20) taxi licenses and two (2) designated taxi stands** for Newton Yellow Cab, Inc.
PUBLIC SAFETY APPROVED 5-0

- #335-13 GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **three (3) taxi licenses and two (2) designated taxi stands** for Holden's Taxi Inc.
PUBLIC SAFETY APPROVED 5-0
- #336-13 GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **two (2) taxi licenses** for Newtonville Cab Co. Inc.
PUBLIC SAFETY APPROVED 5-0
- #337-13 GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **three (3) taxi licenses** for Newton Taxi Co.
PUBLIC SAFETY APPROVED 5-0
- #338-13 MOHAMED SAIDI, 77 Cedar Street, Boston, MA 02119, requesting renewal of **one (1) taxi license** for Newton Luxury Cab.
PUBLIC SAFETY APPROVED 5-0
- #339-13 ANIS LAHIANI, 4 Cedar Street, Suite 405, Wellesley, MA 02481, requesting renewal of **one (1) taxi license** for Newton Town Taxi.
PUBLIC SAFETY APPROVED 5-0
- #340-13 AHCENE TOURI, 1359 Centre Street, Newton, MA 02459, requesting renewal of **one (1) taxi license** for Newton Metro Cab.
PUBLIC SAFETY APPROVED 5-0
- #341-13 YEKATERINA PORTNAYA, PO Box 42, 90 Oak Street, 4th floor, Newton, MA 02464 requesting renewal of **one (1) public auto license** for Beantown Carriage, LLC.
PUBLIC SAFETY APPROVED 5-0
- #342-13 DOROTHY W. DUNDAS, 15 Moreland Avenue, Newton Centre, MA 02459 requesting renewal of **one (1) public auto license** for Crystal Lake Express.
PUBLIC SAFETY APPROVED 5-0
- #343-13 JERALD ROBBINS, 253 Riverview Avenue, Newton, MA 02466, requesting renewal of **four (4) public auto licenses** for Weldon Group Inc.
PUBLIC SAFETY APPROVED 5-0
- #345-13 ROBERT KEEFE, 266 Nevada Street, Newton 02460, requesting renewal of **one (1) public auto license** for Charter Rides, Inc.
PUBLIC SAFETY APPROVED 5-0
- #347-13 HAMDI TLILI, 12 Appleton Street, Waltham, MA 02453, requesting renewal of **one (1) public auto license** for Newton Car Service.
PUBLIC SAFETY APPROVED 5-0

- #348-13 DAVID NEWCOMB, 275 Grove Street, Suite 2-400, Auburndale, MA 02466 requesting renewal of **one (1) public auto license** for Newton Coach, Inc.
PUBLIC SAFETY APPROVED 5-0
- #349-13 MEDHI HAOULANI, 72 Beaver Street, Waltham, MA 02453, requesting renewal of **three (3) taxi licenses** for Newton Cab.
PUBLIC SAFETY APPROVED 5-0
- #137-11 ALD. DANBERG AND FULLER requesting possible changes to City Ordinance 19-191, Parking Meter Fees, to require a minimum purchase at long-term parking meters in order to discourage short-term use. [4/26/11 @ 9:52 AM]
PUBLIC SAFETY REFERRED TO 2014-2015 BOARD OF ALDERMEN
- #299-12 DIRECTOR OF PLANNING & DEVELOPMENT, requesting a discussion regarding a policy-based management plan for parking. [09/24/12 @ 3:17 PM]
PUBLIC SAFETY REFERRED TO 2014-2015 BOARD OF ALDERMEN
- REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**
- #403-13 HIS HONOR THE MAYOR submitting the FY15-FY19 Capital Improvement Plan and Long Range Projection pursuant to section 5-3 of the Newton City Charter. [10/21/13 @ 9:59 AM]
PUBLIC SAFETY REFERRED TO 2014-2015 BOARD OF ALDERMEN
- REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**
- #257-12 RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates.
PUBLIC SAFETY REFERRED TO 2014-2015 BOARD OF ALDERMEN
- #240-12 RECODIFICATION COMMITTEE requesting that **Chapter 19 MOTOR VEHICLES AND TRAFFIC** be amended to determine who has jurisdiction for parking on municipal land, the owning department as described in **Sec. 19-224. Parking prohibited on city grounds.** or the Traffic Council as described in **Sec. 19-26. Authority and role of Traffic Council.**
PUBLIC SAFETY REFERRED TO 2014-2015 BOARD OF ALDERMEN
- #239-12 RECODIFICATION COMMITTEE requesting a discussion as to whether the increased Tiger Permit Fees in **Chapter 19 MOTOR VEHICLES AND TRAFFIC** and the process established as part of the temporary Tiger program are still valid for the smaller permanent program.
PUBLIC SAFETY REFERRED TO 2014-2015 BOARD OF ALDERMEN

- #238-12 RECODIFICATION COMMITTEE requesting a discussion to determine whether Hawk lights should be regulated in **Chapter 19 MOTOR VEHICLES AND TRAFFIC** or in the *Traffic and Parking Regulations*.
PUBLIC SAFETY REFERRED TO 2014-2015 BOARD OF ALDERMEN
- #237-12 RECODIFICATION COMMITTEE requesting a discussion relative to amending **Sec. 19-188 Establishment of spaces and installation of parking meters; type of meters; operation and maintenance.** of **Chapter 19 MOTOR VEHICLES AND TRAFFIC** by deleting in paragraph (a) the reference to specific denominations for payment.
PUBLIC SAFETY REFERRED TO 2014-2015 BOARD OF ALDERMEN
- #236-12 RECODIFICATION COMMITTEE recommending **Sec. 19-175. Angle parking.** of **Chapter 19 MOTOR VEHICLES AND TRAFFIC** be amended by deleting the words “board of aldermen” and inserting in place thereof the words “traffic council” and by inserting after the word “and” the words “the commissioner of public works”.
PUBLIC SAFETY REFERRED TO 2014-2015 BOARD OF ALDERMEN
- #235-12 RECODIFICATION COMMITTEE recommending that **Sec. 19-113. Pedestrians crossing ways or roadways.** in **Chapter 19 MOTOR VEHICLES AND TRAFFIC** be amended by removing the existing description of a marked crosswalk.
PUBLIC SAFETY REFERRED TO 2014-2015 BOARD OF ALDERMEN
- #234-12 RECODIFICATION COMMITTEE recommending that the definition of *Speed humps* in **Sec. 19-1.** of **Chapter 19 MOTOR VEHICLES AND TRAFFIC** be amended to make it consistent with current design/practice standards.
PUBLIC SAFETY REFERRED TO 2014-2015 BOARD OF ALDERMEN
- #233-12 RECODIFICATION COMMITTEE recommending that the definition of *Crosswalk* in **Sec. 19-1.** of **Chapter 19 MOTOR VEHICLES AND TRAFFIC** be amended to define that it is a portion of a roadway clearly indicated for pedestrians crossing with marked lines only.
PUBLIC SAFETY REFERRED TO 2014-2015 BOARD OF ALDERMEN

REFERRED TO FINANCE COMMITTEE

Wednesday, November 13, 2013

- #400-13 HIS HONOR THE MAYOR submitting the FY14- FY18 Five-Year Financial Forecast for Board of Aldermen review/acceptance. [10/22/13 @ 8:26 AM]
FINANCE APPROVED 7-0

- #401-13 ALD. LENNON & LAPPIN pursuant to Sec. 2-7 of the City Charter, recommending re-appointment of David C. Wilkinson as Comptroller of Accounts; said term will be two years or until a successor is duly qualified. [10/28/13 @ 3:10 PM]
FINANCE APPROVED 7-0
- #102-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of five hundred thousand dollars (\$500,000) from cable contract receipts for the purpose of constructing Phase I of III to connect all city facilities with high-speed fiber infrastructure for continued reliance on the IT network. [04-09-12 @ 3:40 PM]
FINANCE APPROVED AS AMENDED 7-0 @ \$1.1 MILLION
- #15-13 FINANCIAL AUDIT ADVISORY COMMITTEE requesting review and acceptance of the revised City of Newton Investment Policy. [12/18/12 @ 9:31 AM]
FINANCE APPROVED 7-0
- REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**
- #403-13 HIS HONOR THE MAYOR submitting the FY15-FY19 Capital Improvement Plan and Long Range Projection pursuant to section 5-3 of the Newton City Charter. [10/21/13 @ 9:59 AM]
FINANCE REFERRED TO 2014-2015 BOARD OF ALDERMEN
- #41-11(2) ALD. CICCONE requesting implementation of the fees associated with the Winter Overnight Parking Pilot Program. [09/19/13 @ 3:49 PM]
FINANCE REFERRED TO 2014-2015 BOARD OF ALDERMEN
- REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**
- #288-13 PUBLIC FACILITIES & FINANCE COMMITTEES requesting that the Administration update the Board of Aldermen when a funding source is determined for the Zervas Elementary School Feasibility Study. [07-11-13 @ 10:10 AM]
FINANCE REFERRED TO 2014-2015 BOARD OF ALDERMEN
- REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES**
- #428-12 ALD. CICCONE & FULLER requesting a discussion with the Executive Office and the Police Department regarding police staffing and overtime costs. [12/07/12 @ 1:34 PM]
FINANCE REFERRED TO 2014-2015 BOARD OF ALDERMEN
- #248-12 RECODIFICATION COMMITTEE recommending that **ARTICLE IV. PURCHASES AND CONTRACTS, Secs. 2-182 through 2-205**, be amended to make it consistent with state law.
FINANCE REFERRED TO 2014-2015 BOARD OF ALDERMEN

#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.

FINANCE REFERRED TO 2014-2015 BOARD OF ALDERMEN

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF FINANCE TO REPORT OUT THE FOLLOWING ITEM WHICH WAS VOTED EARLIER IN THE EVENING IN A COMMITTEE OF THE WHOLE WAS APPROVED BY VOICE VOTE

#322-12(7) DIRECTOR OF ASSESSMENT ADMINISTRATION submitting for Board of Aldermen review and approval the FY14 Municipal Property Tax Levy Distribution Percentages among residential, open space, commercial and industrial classes of Real Property.

PUBLIC HEARING OPENED AND CLOSED

RESIDENTIAL FACTOR OF 90.9907 APPROVED BY VOICE VOTE

Clerk's Note: The Board of Aldermen meeting as a Committee of the Whole with Finance presiding met earlier in the evening to conduct the Tax Classification Hearing. A presentation was made by Assessor Elizabeth Dromey and Chief Financial Officer Maureen Lemieux. The public hearing was opened and closed. The Board voted a residential factor of 90.9907, a shift of 174%.

THE FOLLOWING PUBLIC HEARING WAS ASSIGNED AND REFERRED TO THE 2014-2015 BOARD OF ALDERMEN:

Public hearing assigned for January 14, 2014

#405-13 SAM & TAMI WALD petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to enclose space below a first floor deck in order to expand a basement play room, which will include re-building the deck, thereby increasing the Floor Area Ratio from .60 to .63, where .39 is the maximum allowed by right, at 176 HOMER STREET, Ward 6, Newton Centre, on land known as SBL 64, 32, 30, containing approximately 9,270 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b)30-15(u) and Table A of the City of Newton Rev Zoning Ord, 2012.