

**CITY OF NEWTON**

**IN BOARD OF ALDERMEN**

**BOARD ACTIONS**

Tuesday, January 17, 2012

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

Absent: Ald. Salvucci

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

- #150-09(6) **JOINT ADVISORY PLANNING GROUP and PLANNING & DEVELOPMENT DEPARTMENT** filing their separate reports pursuant to Ordinance Sec. 2-7(2)b) identifying alternatives for the future use of the Austin Street municipal parking lot at 28 Austin Street, on land known as SBL 24, 9, 15, containing approximately 74,536 sq. ft. of land, in Newtonville, which was declared surplus by the Commissioner of Public Works on December 1, 2010.  
**REAL PROPERTY REUSE APPROVED 6-0-1 (Gentile abstaining) on 10/25/11 to sell or lease and retain 85 public parking spaces.**  
**ITEM POSTPONED ON 11/7/11 TO DATE CERTAIN OF 12/19/11**  
**ITEM POSTPONED ON 12/19/11 TO DATE CERTAIN OF 01/17/12**  
**MOTION TO RECOMMIT TO REAL PROPERTY REUSE WAS APPROVED 17 YEAS, 6 NAYS (Ald. Blazar, Crossley, Hess-Mahan, Johnson, Linsky & Sangiolo), 1 ABSENT (Ald. Salvucci)**

**Clerk's Note:** This item was postponed on November 17 and December 19, 2011 as the Board was waiting for an appraisal of the property. The appraisal was finally delivered and on the desks of the Aldermen at this meeting. There was concern expressed that there had not been any time to review the appraisal and a motion was made to recommit the item to the Real Property Reuse Committee to discuss the appraisal and set a minimum price for the property. Several Aldermen were concerned that recommitting this item would cause unnecessary delay and felt that the Mayor should set the price.

Appointment by His Honor the Mayor:

#391-11 THOMAS PHILLIPS, 139 Algonquin Road, Newton, appointed as a member of the Zoning Board of Appeals for a term to expire on September 20, 2014 (60 days 1/20/12). [11/14/11 @ 4:46 PM]

**ZONING & PLANNING APPROVED 7-0 on 12/12/11**

**ITEM POSTPONED ON 12/19/11 TO DATE CERTAIN OF 01/17/12**

**MOTION TO TAKE NO ACTION NECESSARY WAS APPROVED BY VOICE VOTE**

**Clerk's Note:** The appointee asked for another postponement of this item in order to confirm that there was no conflict with his job and his service on the Zoning Board of Appeals. The Chair of the Zoning & Planning Committee noted that a postponement to the next Board meeting would be beyond the 60 days in which the Board has to act on the appointment. A motion was made to vote to take No Action Necessary on the item at this time and to ask the Mayor to re-docket the item when Mr. Phillips has determined that there is no conflict.

*The following item was filed after the close of the docket and requires a suspension of the Rules to be placed on the docket:*

#20-11 HIS HONOR THE MAYOR requesting the vote of the Board of Aldermen to complement by RESOLUTION the vote of the School Committee to authorize the superintendent of schools to submit a Statement of Interest Form in regard to the Massachusetts School Building Authority Special Initiative for 2012 for Newton South Science Lab, which application is due prior to January 31, 2012. [01-12-12 @4:53 PM]

**MOTION TO SUSPEND THE RULES TO ALLOW THE ITEM TO BE ACCEPTED TO THE DOCKET WAS APPROVED BY VOICE VOTE.**

**MOTION TO ASSIGN THE ITEM TO THE FINANCE COMMITTEE WAS APPROVED BY VOICE VOTE.**

**Clerk's Note:** This item was late filed to the docket and required a suspension of the rules to be accepted to the docket. The request for a resolution had time constraints that could not be met with the current board schedule. The Board was not comfortable voting this resolution at the board meeting and voted to refer the item to the Finance Committee. Finance will take the item up at their next meeting and a special Board meeting will be convened to vote the item before the January 31, 2012 deadline.

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 0 NAYS, 1 ABSENT (Ald. Salvucci) TO TAKE THE FOLLOWING ACTIONS:**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, January 10, 2012

- #388-11 KOUZINA, INC./DTS TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive the 9 parking stalls required to increase from 20 to 46 the number of seats in an existing restaurant at 1649 BEACON STREET, Ward 5, Waban, on land known as SBL 53, 29, 2A, containing approximately 54,198 square feet of land in a district zoned BUSINESS 1. Ref: Sec. 30-24, 30-23, 30-19(d)(13), and 30-19(m) of the City of Newton Rev Zoning Ord, 2007.  
**LAND USE HEARING CLOSED**
- #282-11(2) RICHARD D. SEWALL petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four attached dwellings in two buildings; to waive the side setback requirement; to allow a lot coverage of more than 25%; and to waive the dimensional requirements for parking stalls at 87-89 WABAN STREET, Ward 1, Newton Corner, on land known as SBL 12, 4, 27, containing approximately 20,082 sq. ft. of land in a district zoned Multi Residence 1. Ref: Sec 30-24, 30-23, 30-(9)(b)(5), 30-9(b)(5)b 30-19(g)(2) and (m)of the City of Newton Rev Zoning Ord, 2007.  
**LAND USE HEARING CLOSED**
- #416-11 K.J.R., INC/JOSEPH BONTEMPO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING USE to expand the seating capacity of an existing restaurant by 15 seats to allow for an outdoor roofed patio at 7 WEST STREET, Ward 1, Nonantum, on land known as SBL 14, 14, 41, containing approximately 2,850 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(d)(13) and (m) 30-15(m), 30-15 Table 1, 30-9 of the City of Newton Rev Zoning Ord, 2007.  
**LAND USE HEARING CLOSED**
- #414-11 DAVID & RENEE SOUTHIERE/JOHN F. NEVILLE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE to convert two existing rear porches into livable space, which will increase the Floor Area Ratio to .58 where .50 is allowed by-right, at 39 and 41 CLARENDON STREET, Ward 2, Newtonville, on land known as SBL 22, 11, 9, containing 11,130 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.  
**LAND USE HEARING CLOSED; APPROVED 7-0**
- #415-11 LORI A. MEADS-BELZ & EDWARD D. BELZ petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to convert an existing porch into a study/office space, which will increase the Floor Area Ratio to .54 where .40 is allowed by-right, at 14 LORING STREET, Ward 7, Newton Centre, on land

known as SBL 73, 30, 10, containing approximately 8,500 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

**LAND USE HEARING CLOSED; APPROVED 7-0**

*2012 Auto Renewals*

Class 1

#298-11 BAYSTATE CHRYSLER JEEP DODGE RAM  
777 Washington Street  
Newtonville 02460  
**LAND USE APPROVED 7-0**

#299-11 CLAY NISSAN OF NEWTON, INC.  
431 Washington Street  
Newton Corner 02458  
**LAND USE APPROVED 7-0**

#300-11 VILLAGE MOTORS GROUP, INC.  
d/b/a HONDA VILLAGE  
371 Washington Street  
Newton Corner 02458  
**LAND USE APPROVED 7-0**

Class 2

#307-11 JACOB & ASSOCIATES  
1232 Washington Street  
West Newton 02465  
**LAND USE APPROVED 7-0**

#308-11 L. A. AUTO BODY, INC.  
41 Los Angeles Street  
Nonantum 02458  
**LAND USE APPROVED 7-0**

#312-11 NEWTON AUTO GROUP, INC.  
1235 Washington Street  
West Newton 02465  
**LAND USE APPROVED 7-0**

#317-11 R.S. SERVICE, INC.  
361 Washington Street  
Newton Corner 02458  
**LAND USE APPROVED 7-0**

- #318-11 REGAN'S INC.  
2066 Commonwealth Avenue  
Auburndale 02466  
**LAND USE APPROVED 7-0**
- #320-11 THE TRAVIS CORPORATION  
d/b/a THE CAR STORE  
19 Rolling lane  
Chestnut Hill 02467  
**LAND USE APPROVED 7-0**
- #322-11 WASHINGTON STREET SUNOCO  
875 Washington Street  
Newtonville 02460  
**LAND USE APPROVED 7-0**
- #323-11 CITY OF NEWTON  
1000 Commonwealth Avenue 02459  
**LAND USE APPROVED 7-0**

**REFERRED TO ZONING AND PLANNING COMMITTEE**

Monday January 9, 2012

Appointment by His Honor the Mayor

- #392-11 TREFF LAFLECHE, 86 Prince Street, West Newton, appointed as an *associate* member of the Zoning Board of Appeals for a term to expire December 31, 2012 (60 days 1/20/12). [11/14/11 @ 4:53 PM]  
**ZONING & PLANNING APPROVED 6-0**

Appointment by His Honor the Mayor:

- #390-11 WILLIAM MCLAUGHLIN, 117 Hammond Street, Chestnut Hill, appointed as a member of the Zoning Board of Appeals for a term to expire on September 30, 2012 (60 days 1/20/12). [11/12/11 @ 11:46 AM]  
**ZONING & PLANNING NO ACTION NECESSARY 6-0**

Re-appointment by His Honor the Mayor:

- #399-11 JAMES MITCHELL, 83 Countryside Road, Newton Centre, re-appointed as a member of the Zoning Board of Appeals for a term of office to expire December 31, 2012 (60 days 1/20/12). [11/12/11 @ 11:45 AM]  
**ZONING & PLANNING NO ACTION NECESSARY 6-0**

**REFERRED TO PROGRAMS AND SERVICES COMMITTEE**

Wednesday January 4, 2012

**REFERRED TO LAND USE AND PROGRAMS & SERVICES COMMITTEES**

- #474-08(2) ALD. HESS-MAHAN & VANCE proposing that Article X of the Rules & Orders of the Board of Aldermen be amended to conform with a proposed amendment to Chapter 30 re transfer of the special permit granting authority to the Zoning Board of Appeals and/or the Planning & Development Board for projects that are not classified as Major Projects pursuant to Article X.  
**LAND USE VOTED NO ACTION NECESSARY on 11/1/11**  
**RULES SUBCOMMITTEE RECOMMENDED NAN ON 12/7/11**  
**PROGRAMS & SERVICES NO ACTION NECESSARY 5-1 (Linsky opposed)**
- #306-08 ALD. BAKER, DANBERG, MANSFIELD & PARKER requesting discussion of how swimming at Crystal Lake might be lawfully and safely extended beyond mid-August. [08/26/08 @ 5:03 PM]  
**PROGRAMS & SERVICES NO ACTION NECESSARY 6-0**
- #287-07(2) ALD. PARKER requesting a discussion with Parks and Recreation Department in regards to an appropriate marker or plaque to honor and recognize Olympic figure skater and Newton resident Tenley Albright and her skating exhibition at the Crystal Lake upon her return from the 1956 Olympic Games where she won a gold medal. [09/20/07 @ 1:22 PM]  
**PROGRAMS & SERVICES NO ACTION NECESSARY 6-0**
- #370-06 ALD. SANGIOLO, PARKER, MANSFIELD requesting home rule legislation to allow advisory questions to be asked in a Newton special election.  
**PROGRAMS & SERVICES APPROVED SUBJECT TO SECOND CALL 3-0-3 (Merrill, Hess-Mahan, Blazar abstaining)**

**Clerk's Note:** The Chair of the Programs & Services Committee reported this item on first call. The Committee voted this item subject to second call as they were waiting for a determination by the Law Department that this item was an appropriate request for a home rule petition. The Law Department determined that it was and information was provided to the Board in the Friday Packet.

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, January 4, 2012

Present: Ald. Ciccone (Chair), Johnson, Swiston, Harney, Yates, Schwartz, Fuller and Kalis

- #9-12 TRAFFIC COUNCIL CHAIR providing the Annual Report on the work of the Traffic Council for 2011 pursuant to Section 19-30(g) of the City of Newton Rev Ord, 2007. [12/16/11@ 4:00 PM]  
**PUBLIC SAFETY NO ACTION NECESSARY 8-0**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, January 4, 2012

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#380-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of four hundred eighty-five thousand dollars (\$485,000) from bonded indebtedness for the purpose of funding masonry repairs at various schools. [10/31/11 @ 2:48 PM]

**FINANCE APPROVED 8-0****PUBLIC FACILITIES APPROVED 7-0****REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#379-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of four hundred fifty thousand dollars (\$450,000) from bonded indebtedness for the purpose of funding mechanical upgrades at various schools. [10/31/11 @ 2:48 PM]

**FINANCE APPROVED 8-0****PUBLIC FACILITIES APPROVED 6-0 (Danberg not voting)****REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#378-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of three hundred fifteen thousand dollars (\$315,000) from bonded indebtedness for the purpose of funding the emergency generator upgrades at various schools. [10/31/11 @ 2:48 PM]

**FINANCE APPROVED 8-0****PUBLIC FACILITIES APPROVED 6-0 (Danberg not voting)****REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#377-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of two hundred thousand dollars (\$200,000) from bonded indebtedness for the purpose of funding electrical upgrades in various schools. [10/31/11 @ 2:48 PM]

**FINANCE APPROVED 8-0****PUBLIC FACILITIES APPROVED 6-0 (Danberg not voting)**

#208-08 ALD. GENTILE, SANGIOLO, SALVUCCI AND SCHNIPPER requesting a discussion on establishing a permanent Building Committee in the City of Newton. [05/16/08 @ 11:47 AM]

**PUBLIC FACILITIES NO ACTION NECESSARY 6-0 (Danberg not voting)****REFERRED TO PS&T and PUBLIC FACILITIES COMMITTEES**

#152-06 PS&T COMMITTEE requesting discussion re Road Classification Design Types (as outlined by the Planning and Development Department) for future use as an overall management tool for the City.

**PS&T APPROVED 8-0 on 10/18/06**

**PUBLIC FACILITIES NO ACTION NECESSARY 6-0 (Danberg not voting)**

**MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF PUBLIC SAFETY TO POLL HIS COMMITTEE WAS APPROVED.**

**MOTION IN PUBLIC SAFETY TO SUBSTITUTE THE VOTE OF THE PUBLIC FACILITIES COMMITTEE FOR THE PUBLIC SAFETY VOTE WAS APPROVED 8-0**

**Clerk's Note:** Since the Public Safety Committee's vote on this item in 2006, the Mayor has formed a Transportation Advisory Committee and the planning department have been working on a new Road Classification document that will be presented to the Board. This item therefore could be voted No Action Necessary at this time.

**REFERRED TO FINANCE COMMITTEE**

Monday, January 9, 2012

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#380-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of four hundred eighty-five thousand dollars (\$485,000) from bonded indebtedness for the purpose of funding masonry repairs at various schools.

[10/31/11 @ 2:48 PM]

**PUBLIC FACILITIES APPROVED 7-0 on 01-04-12**

**FINANCE APPROVED 8-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#379-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of four hundred fifty thousand dollars (\$450,000) from bonded indebtedness for the purpose of funding mechanical upgrades at various schools.

[10/31/11 @ 2:48 PM]

**PUBLIC FACILITIES APPROVED 6-0 (Danberg not voting) 01-04-12**

**FINANCE APPROVED 8-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#378-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of three hundred fifteen thousand dollars (\$315,000) from bonded indebtedness for the purpose of funding the emergency generator upgrades at various schools. [10/31/11 @ 2:48 PM]

**PUBLIC FACILITIES APPROVED 6-0 (Danberg not voting) on 01-04-12**

**FINANCE APPROVED 8-0**



**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #377-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of two hundred thousand dollars (\$200,000) from bonded indebtedness for the purpose of funding electrical upgrades in various schools. [10/31/11 @ 2:48 PM]  
**PUBLIC FACILITIES APPROVED 6-0 (Danberg not voting) on 01-04-12**  
**FINANCE APPROVED 8-0**

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 0 NAYS, 1 ABSENT (Ald. Salvucci), 1 EXCUSED (Ald. Fischman) TO TAKE THE FOLLOWING ACTION:**

- #106-07(5) PRESIDENT LENNON appointing the following individuals as Board of Aldermen appointees to the six-person Neighborhood Council established in Condition 20 of special permit #106-07, granted to Beth Menachem Chabad on October 1, 2007, for waivers of parking requirements associated with a religious institution at 349 Dedham Street, Ward 8:  
 (A) Elyse Friedman, 370 Dedham Street  
 (B) David Yu, 22 Rachel Road  
 (C) Alderman Mitchell Fischman, Alderman-at-large, Ward 8  
**LAND USE APPROVED 7-0**

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 0 NAYS, 1 ABSENT (Ald. Salvucci), 1 EXCUSED (Ald. Ciccone) TO TAKE THE FOLLOWING ACTIONS:**

Class 2 & 3

- #324-11 ECHO BRIDGE SALVAGE, INC.  
 16-24 Maguire Court  
 Newtonville 02460  
**LAND USE APPROVED 7-0**
- #325-11 SCHIAVONE BROTHERS, INC.  
 16-24 Maguire Court  
 Newtonville 02460  
**LAND USE APPROVED 7-0**
- #326-11 TODY'S SERVICES, INC.  
 1362 Washington Street  
 West Newton 02465  
**LAND USE APPROVED 7-0**

**THE BOARD ACCEPTED THE FOLLOWING LATE FILED ITEMS TO THE DOCKET AND REFERRED THEM TO COMMITTEE**

**REFERRED TO ZONING & PLANNING COMMITTEE**

- #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]

**REFERRED TO FINANCE COMMITTEE**

- #21-11 HIS HONOR THE MAYOR requesting authorization in accordance with MGL chapter 30B, Sec. 12 to permit the Newton Public Schools to solicit bids and enter into a 5-year contract for school bus transportation. [01-13-12 @11:38 AM]

**REFERRED TO FINANCE COMMITTEE**

- #38-10(4) HIS HONOR THE MAYOR requesting an appropriation in the amount of forty-four thousand six twenty-four dollars (\$44,624) from the Capitalization Stabilization Fund – Energy Conservation to supplement the fund for the envelope improvements at the Lower Falls Community Center. [01/10/12 @ 5:08 PM]

**THE FOLLOWING PUBLIC HEARINGS WERE ASSIGNED**

*Public Hearing assigned for February 14, 2012:*

- #9-12 KUROSH MIZRAHI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to locate an accessory apartment in an existing detached structure and to waive the required screening for the associated parking at 1099 WALNUT STREET, Ward 6, Newton Highlands, on land known as SBL 52, 9, 11, containing approximately 13,816 square feet of land in a district zoned Single Residence 2. Ref: Sec 3-24, 30-23, 30-8(d)(2), 30-8(d)(1)(h) of the City of Newton Rev Zoning Ord, 2007.

*Public Hearing assigned for February 14, 2012:*

- #10-12 DT-ARCO, LLC/IERACI REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to relocate an existing 2-family dwelling and construct a new structure containing two additional attached dwelling units for a total of four attached dwellings in two structures at 37 ELM STREET, West Newton, Ward 3, on land known as SBL 33, 23, 20, containing approximately 25,000 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, 30-15(t) 1-4 of the City of Newton Rev Zoning Ord, 2007.

*Public Hearing assigned for February 14, 2012:*

#105-09(4) YANPING SUN request for an EXTENSION OF TIME IN WHICH TO EXERCISE special permit petition #105-09(3), granted on December 6, 2010 for an accessory apartment in an existing single-family dwelling at 87 WOODWARD STREET, Ward 5, Newton Highlands. Sec 30-24(c)(4) City of Newton Rev Zoning Ord, 2007.

**MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR TO POLL HIS COMMITTEE WAS APPROVED BY VOICE VOTE**

**LAND USE APPROVED ASSIGNING A PUBLIC HEARING 8-0**

**Clerk's Note:** A Public Hearing for an extension of time is not mandatory. However, the Committee voted to hold one.