

CITY OF NEWTON

IN BOARD OF ALDERMEN

BOARD ACTIONS

Tuesday, February 21, 2012

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

Absent: Ald. Albright, Danberg, Fischman, Rice and Schwartz

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

The following item was denied by the Board of Aldermen on December 5, 2011. In accordance with Article I section 3D of the Rules & Orders of the Board, "No petition addressed to the Board, the subject matter of which has been disposed of during the preceding 12-month period, shall be referred to any committee except by majority vote of the Board. Refusal to refer it shall constitute a denial of the petition on the ground that no further action by the Board is deemed necessary

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

#297-11(3) **HIS HONOR THE MAYOR** re-submitting a reorganization request pursuant to City Charter §6-2 to change the assignment of responsibility of the Licensing Board of Commissioners Administrative Director/Agent from the Veterans' Services Department to the Department of Health and Human Services (60 days 03/06/12). [01/30/2012 @ 4:18PM]

ITEM CHARTERED BY ALD. YATES ON FEBRUARY 6, 2012

MOTION TO ACCEPT TO DOCKET AND REFER TO PROGRAMS & SERVICES WAS APPROVED BY VOICE VOTE

The following item was voted No Action Necessary by the Board of Aldermen on December 19, 2011. In accordance with Article I section 3D of the Rules & Orders of the Board, "No petition addressed to the Board, the subject matter of which has been disposed of during the preceding 12-month period, shall be referred to any committee except by majority vote of the Board. Refusal to refer it shall constitute a denial of the petition on the ground that no further action by the Board is deemed necessary."

REFERRED TO PUBLIC SAFETY & TRANSPORTATION & 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]

MOTION TO ACCEPT TO DOCKET AND REFER TO PUBLIC SAFETY AND FINANCE WAS APPROVED BY VOICE VOTE

Re-Appointment by His Honor the Mayor:

#399-11(2) JAMES H. MITCHELL, 83 Countryside Road, Newton Centre, being re-appointed as an associate member of the Zoning Board of Appeals for a term to expire 02-01-13.

APPROVED 7-0

MOTION TO RECOMMIT TO ZONING AND PLANNING WAS APPROVED BY VOICE VOTE

Clerk's Note: Concern was raised over the number of committees that Mr. Mitchell serves on and the Executive Offices statement that they had more applicants for boards and commissions than they had space for. The item was recommitted to Zoning and Planning to clarify these statements.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 19 YEAS, 0 NAYS, 5 ABSENT (Ald. Albright, Danberg, Fischman, Rice and Schwartz) TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

Tuesday, February 14, 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.

APPROVED 4-0 (Schwartz, Merrill, and Harney not voting)

#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 13,618 square feet of land in a district zoned Single Residence 2. Ref: Sec 30-24, 30-23, 30-8(d)(2), 30-8(d)(1)(h) of the City of Newton Rev Zoning Ord, 2007.

HEARING CLOSED; APPROVED 7-0

#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.

HEARING CLOSED

- #105-09(3) YANPING SUN request for an EXTENSION OF TIME IN WHICH TO EXERCISE special permit petition #105-09(2), 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.
HEARING CLOSED; APPROVED 7-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday February 8, 2012

REFERRED TO PROG & SERV, PUB FACIL AND FINANCE COMMITTEES

- #40-12 HIS HONOR THE MAYOR requesting the vote of the Board of Aldermen to complement by RESOLUTION the vote of the School Committee to transfer the sum of seven hundred fifty thousand dollars (\$750,000) from health insurance savings to the Angier School Building Fund to fund the costs of a feasibility study of the Angier Elementary School. [01/30/12 @ 4:30 PM]
FINANCE APPROVED 5-0 on 02/13/12
PUB FACIL APPROVED SUBJECT TO SECOND CALL 7-0 on 02/08/12
APPROVED SUBJECT TO SECOND CALL 6-0 (Ald. Baker not voting)
MOTION WAS MADE TO SUSPEND THE RULES TO ALLOW THE VICE CHAIR OF PROGRAMS & SERVICES TO POLL HIS COMMITTEE TO ALLOW THIS ITEM TO BE TAKEN UP ON FIRST CALL AND APPROVED BY VOICE VOTE
PROGRAMS & SERVICES APPROVED ON FIRST CALL 6-0

Clerk's Note: Both Programs & Services and Public Facilities approved this item in committee subject to second call in order to find out how the School Committee would vote on the transfer of funds. The School Committee voted on February 13 to approve the transfer of funds. With that vote, there was no need to discuss the item on second call.

Appointment by His Honor the Mayor:

- #28-12 HOLLY RYAN-CAFFRAY, 21 Avery Path, Newton Centre, appointed as a member of the Human Rights Commission for a term of office to expire 01/01/15
APPROVED 7-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #37-12 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of ninety thousand eight hundred sixty-two dollars (\$90,862) from Free Cash and a transfer of sixteen thousand seven hundred fifty thousand dollars (\$16,750) from the Budget Reserve for the purpose of funding costs associated with emergency tree services. [01/30/12 @ 4:19 PM]
FINANCE APPROVED AS AMENDED 4-0-1 (Fuller abstaining) on 2/13/12
PROGRAMS & SERVICES APPROVED AS AMENDED 7-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#38-12 HIS HONOR THE MAYOR requesting authorization to establish three revolving accounts with annual expenditure limits of \$350,000 each for the purpose of receiving funds for 1) Regular Tuition, 2) Special Education Tuition, and 3) English Language Learners Tuition. [01/30/12 @ 4:18 PM]

FINANCE APPROVED 5-0 on 2/13/12
PROGRAMS & SERVICES APPROVED 7-0

#26-10 PRESIDENT LENNON recommending the re-appointment of David Lloyd, 107 Hobart Road, Newton Centre, as an Aldermanic appointee to the Community Education Committee for a term to expire 12/31/13.

PROGRAMS & SERVICES APPROVED 7-0

#27-12 PRESIDENT LENNON recommending the re-appointment of Robert Gerst, 52 Claremont Street, Newton, as an Aldermanic appointee to the Community Education Committee for a term to expire 12/31/13.

PROGRAMS & SERVICES APPROVED 7-0

Re-appointment by His Honor the Mayor:

#29-12 BRENDA KRASNOW, 71 Stuart Road, Newton Centre, re-appointed as a member of the Human Rights Commission for a term to expire 01/01/15.

PROGRAMS & SERVICES APPROVED 7-0

Re-appointment by His Honor the Mayor:

#31-12 PETER BROWN, 79 Washington Street, Newton, re-appointed as a member of the Human Rights Commission for a term to expire 01/01/15.

PROGRAMS & SERVICES APPROVED 7-0

Re-appointment by His Honor the Mayor:

#33-12 SHEILA MONDSHEIN, 31 Green Park, Newton, re-appointed as a member of the Human Rights Commission for a term to expire 01/01/15.

PROGRAMS & SERVICES APPROVED 7-0

Re-appointment by His Honor the Mayor:

#34-12 JANE BROWN, 104 Atwood Ave, Newtonville, re-appointed as a member of the Human Rights Commission for a term to expire 01/01/15.

PROGRAMS & SERVICES APPROVED 7-0

Re-appointment by His Honor the Mayor:

#35-12 SONA PETROSSIAN, 71 E. Quinobequin Rd, Newton Upper Falls, re-appointed as a member of the Human Rights Commission for a term to expire 01/01/15.

PROGRAMS & SERVICES APPROVED 7-0

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, February 8, 2012

REFERRED TO PUBLIC SAFETY AND FINANCE COMMITTEES

- #364-10(2) HIS HONOR THE MAYOR requesting an appropriation in the amount of seventy-four thousand five hundred three dollars (\$74,503) from the Capital Stabilization Fund – Designated for Ordinary Capital Funding to provide additional funds to secure the entrance in the Police Department lobby
FINANCE APPROVED 5-0 on 02/13/12
PUBLIC SAFETY APPROVED 8-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, February 8, 2012

REFERRED TO PROG & SERV, PUB FACIL AND FINANCE COMMITTEES

- #40-12 HIS HONOR THE MAYOR requesting the vote of the Board of Aldermen to complement by RESOLUTION the vote of the School Committee to transfer the sum of seven hundred fifty thousand dollars (\$750,000) from health insurance savings to the Angier School Building Fund to fund the costs of a feasibility study of the Angier Elementary School. [01/30/12 @ 4:30 PM]
FINANCE APPROVED 5-0 on 02/13/12
PROG & SERV APPROVED SUBJECT TO SECOND CALL 6-0 on 02/8/12
PUBLIC FACILITIES APPROVED SUBJECT TO SECOND CALL 7-0
MOTION WAS MADE TO SUSPEND THE RULES TO ALLOW THE CHAIR OF PUBLIC FACILITIES TO POLL HIS COMMITTEE TO ALLOW THIS ITEM TO BE TAKEN UP ON FIRST CALL AND APPROVED BY VOICE VOTE
PUBLIC FACILITIES APPROVED ON FIRST CALL 6-0

Clerk's Note: Both Programs & Services and Public Facilities approved this item in committee subject to second call in order to find out how the School Committee would vote on the transfer of funds. The School Committee voted on February 13 to approve the transfer of funds. With that vote, there was no need to discuss the item on second call.

- #239-11 ALD. ALBRIGHT, CROSSLEY & LINSKY requesting a discussion with Public Buildings Department and School Committee regarding modular classrooms that includes the, the location, the age, the condition and the number of modular classrooms. [07-12-10 @ 3:19 PM]
PUBLIC FACILITIES NO ACTION NECESSARY 7-0

REFERRED TO FINANCE COMMITTEE

Monday, February 13, 2012

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

- #267-11 COMPTROLLER transmitting the Budgetary Basis Annual Financial Report for fiscal year ending June 30, 2011 for Board of Aldermen review/acceptance. [09/09/11 @ 2:05 PM]
FINANCE APPROVED 5-0

REFERRED TO PUBLIC SAFETY AND FINANCE COMMITTEES

- #364-10(2) HIS HONOR THE MAYOR requesting an appropriation in the amount of seventy-four thousand five hundred three dollars (\$74,503) from the Capital Stabilization Fund – Designated for Ordinary Capital Funding to provide additional funds to secure the entrance in the Police Department lobby. [01/30/12 @ 4:18 PM]
PUBLIC SAFETY & TRANSPORTATION APPROVED 8-0 on 02/08/12
FINANCE APPROVED 5-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #37-12 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of ninety thousand eight hundred sixty-two dollars (\$90,862) from Free Cash and a transfer of sixteen thousand seven hundred fifty thousand dollars (\$16,750) from the Budget Reserve for the purpose of funding costs associated with emergency tree services. [01/30/12 @ 4:19 PM]
PROG & SERV APPROVED AS AMENDED 7-0 on 02/08/12
FINANCE APPROVED AS AMENDED 4-0-1 (Fuller abstaining)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #38-12 HIS HONOR THE MAYOR requesting authorization to establish three revolving accounts with annual expenditure limits of \$350,000 each for the purpose of receiving funds for 1) Regular Tuition, 2) Special Education Tuition, and 3) English Language Learners Tuition. [01/30/12 @ 4:18 PM]
PROG & SERV APPROVED 7-0 on 02/08/12
FINANCE APPROVED 5-0

REFERRED TO PROG & SERV, PUB FACIL AND FINANCE COMMITTEES

- #40-12 HIS HONOR THE MAYOR requesting the vote of the Board of Aldermen to complement by RESOLUTION the vote of the School Committee to transfer the sum of seven hundred fifty thousand dollars (\$750,000) from health insurance savings to the Angier School Building Fund to fund the costs of a feasibility study of the Angier Elementary School. [01/30/12 @ 4:30 PM]
PROG & SERV APPROVED SUBJECT TO SECOND CALL 6-0 on 02/8/12
PUB FAC APPROVED SUBJECT TO SECOND CALL 7-0 on 02/08/12
APPROVED 5-0

THE BOARD ACCEPTED THE FOLLOWING LATE FILED ITEM TO THE DOCKET AND REFERRED IT TO COMMITTEE:

REFERRED TO LAND USE COMMITTEE

- #213-10(2) NEWTON HISTORICAL SOCIETY/DURANT HOMESTEAD FOUNDATION, INC. petition for a ONE-YEAR EXTENSION OF TIME in which to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL #213-10, granted on October 4, 2010, to demolish and rebuild a portion of the Durant-Kenrick Homestead to accommodate a new, larger visitor entry area and meeting space to allow a museum, which includes a waiver from the required number of parking spaces and their dimensions, at 286 WAVERLEY AVENUE, Ward 7. Ref: Sec 30-24(c)(4) City of Newton Rev Zoning Ord, 2007.

THE FOLLOWING PUBLIC HEARINGS WERE ASSIGNED:

Public hearing assigned for March 13, 2012:

- #42-12 BLOOMINGDALE'S DEPARTMENT STORES, INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL for a 5-YEAR permit for a temporary tent to hold an ANNUAL rug sale in August not to exceed 15 days and the temporary displacement of approximately 90 parking spaces for the event at 175 BOYLSTON STREET, Ward 7, CHESTNUT HILL. REF: Sec. 30-24, 30-23, 30-11(d)(10), 30-19(m) of the City of Newton Rev. Zoning Ord., 2007.

Public hearing assigned for March 13, 2012:

- #43-12 GRACE CONNELLY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construction an attached garage and two-story addition, increasing the Floor Area Ratio to .48 where .40 is allowed by-right, at 1841 COMMONWEALTH AVENUE, Ward 4, Auburndale, on land known as SBL 43, 4, 2, containing approximately 8,475 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15(u)(2), 30-21(b) of the City of Newton Rev Zoning Ord, 20007.

Public hearing assigned for March 13, 2012:

- #44-12 YOUNG INVESTMENTS, LLC/NEWTON COMMUNITY SERVICES CENTERS, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a multi-family dwelling with nine units and office space 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 a district zoned BUSINESS USE 1. Sec 30-24, 30-23, 30-11(d)(8) and (j)(1), 30-15(h), Table 3 footnote 3, 30-5(b)(4), 30-19(d)(2), and (11), 30-19(h)(2)b, c), (3)a), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

Public hearing assigned for February 22, 2012

- #49-12 HIS HONOR THE MAYOR requesting modification of the layout of ELM ROAD in Newtonville between Lowell Avenue and Walnut Street including relocation, widening, and discontinuance of portions of ELM ROAD as follows:
- a) 33,456 sq. ft. of Elm Road to be relocated along the northern boundary of the school property adjacent to Russell Court from Walnut Street toward Kimball Terrace.
 - b) Elm Road from Lowell Avenue to Kimball Terrace to be widened, adding 18,835 sq. ft. in area to accommodate the current physical roadway layout.
 - c) 22,657 sq. ft. of Elm Road from Kimball Terrace to Walnut Street to be discontinued in its current layout as it lies beneath the new school.
- [02/13/12 @ 3:57 PM]

Public hearing assigned for February 22, 2012

- #50-12 ROBERT CICHETTI, 44 Oak Street, petitioning for a common sewer to be constructed in OAKDALE ROAD from a sewer manhole in WALNUT HILL ROAD 125' ± easterly through a proposed 20' wide easement in OAKDALE ROAD to a proposed sewer manhole to provide service to a new building on Oakdale Road.
PETITIONER TO PAY ENTIRE COST [02/13/12 @ 3:57 PM]

Public hearing assigned for March 7, 2012

- #297-11(3) HIS HONOR THE MAYOR re-submitting a reorganization request pursuant to City Charter §6-2 to change the assignment of responsibility of the Licensing Board of Commissioners Administrative Director/Agent from the Veterans' Services Department to the Department of Health and Human Services (60 days 03/06/12). [01/30/2012 @ 4:18PM]