

REPORTS DOCKET

Feb. 22: Programs & Services; Public Facilities

Feb. 27: Finance; Zoning & Planning

Feb. 28 Real Property Reuse

Continued

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Monday, February 6, 2012

7:45 PM, Newton City Hall

To be reported on

MONDAY, MARCH 5, 2012

CITY OF NEWTON

IN BOARD OF ALDERMEN

REFERRED TO ZONING AND PLANNING COMMITTEE

Monday February 27, 2012

Present: Ald. Johnson (Chairman), Baker, Sangiolo, Yates, Swiston, Lennon, Kalis; absent: Ald. Danberg; also present: Ald. Gentile, Harney, Albright, Hess-Mahan, Crossley, Swiston

#400-11 ALD. GENTILE, HARNEY, SANGIOLO requesting establishment of a Business 5/Riverside Zone: a mixed-use transit-oriented district at the site of the current Riverside MBTA rail station. The proposed new zone shall allow by special permit a single commercial office building not to exceed 225,000 square feet with a maximum height of 9 stories, two residential buildings not to exceed 290 housing units in total, retail space not to exceed 20,000 square feet, along with a multi-use community center. [11/17/11 @3:36 PM]

HELD 7-0

#25-12 TERRENCE P. MORRIS, G. MICHAEL PEIRCE, JASON ROSENBERG, JOHN LOJEK proposing a zoning ordinance amendment to amend section 30-15(c)(3)(b) by inserting the word "*subject*" before the word "*lot*", the word "*and*" before the word "*such*" and the word "*adjoining*" after the word "*such*" so that the paragraph reads as follows:

(b) if the subject lot was held in common ownership at any time after January 1, 1995 with an adjoining lot or lots that had continuous frontage on the same street with the subject lot and such adjoining lot had on it a single-family or two-family dwelling. [01/30/2012 @ 3:14PM]

HELD 7-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday February 22, 2012

Present: Ald. Sangiolo (Chairman), Blazar, Hess-Mahan, Linsky, Merrill, Baker; absent: Ald. Fischman, Rice

Appointment by His Honor the Mayor:

#30-12 NAZIK KAZIMI, 16 Manemet Road, Newton Centre appointed as a member of the Human Rights Commission for a term of office to expire on January 1, 2015 (60 days 03/06/12). [01/30/2012 @ 4:34PM]

APPROVED 5-0 (Ald. Baker not voting)

Appointment by His Honor the Mayor:

#32-12 DIANE CHILINGERIAN appointed as a member of the Human Rights Commission for a term of office to expire January 1, 2015 (60 days 03/06/12). [01/30/2012 @ 4:34PM]

APPROVED 5-0 (Ald. Baker not voting)

The below item was discussed jointly with the Public Facilities Committee:

REFERRED TO PROG & SERV, PUBLIC FACIL. AND FINANCE COMMITTEES

#367-10 HIS HONOR THE MAYOR requesting authorization to appropriate an amount not to exceed five million dollars (\$5,000,000) from bonded indebtedness for the following:

(B) installation of up to six modular classrooms at five elementary schools as well as the addition of permanent classrooms and renovations to the core of F.A. Day Middle School. [11/29/10 @ 3:23 PM]

(A) \$75,000 for site plan work for 1 modular at Horace Mann, 2 at Zervas, and 1 at Burr was approved on December 20, 2010.

(B1) \$923,375 for installation of 4 modulars was approved on July 11, 2011

(B2A) \$86,545 for additional expenses related to the construction and installation of modular was approved on November 21, 2011.

(B2B) \$102,117 for design of sprinkler systems at three elementary schools was approved on November 21, 2011.

(B2C) Six hundred forty-three thousand five hundred dollars (\$643,500) of the remaining \$3,812,963 for the design and other related expenses associated with the building renovations to F.A. Day Middle School was approved on December 19, 2011.

#367-10(B2) – \$3,169,463 (remaining balance) for renovations to the core of F.A. Day Middle School and sprinkler systems was held on December 19, 2011.

NOTE: Item amended as shown below to reflect the following request for funding from the remaining \$3,169,463:

#367-10(B2D) – One million four hundred seventy-four thousand one hundred ninety-four dollars (\$1,474,194) of the remaining \$3,169,463 for the purpose of funding construction, construction administration and related expenses for the sprinkler system installations at the Burr, Zervas, and Horace-Mann Elementary Schools.

PUBLIC FACILITIES APPROVED 7-0 on 02/22/2012

FINANCE APPROVED 6-0 on 02/27/12 (Gentile not voting)

APPROVED 3-0-3 (Ald. Linsky, Blazar, Sangiolo abstaining)

#367-10(B2) \$ 1,695,269 (remaining balance) for renovations to the core of F.A. Day Middle School and sprinkler systems.

PUBLIC FACILITIES HELD 7-0 on 02/22/12

FINANCE APPROVED 6-0 (Gentile not voting) on 02/27/12

PROGRAMS & SERVICES HELD 6-0

#329-05(3) ALD. YATES requesting a discussion relative to amending the noise control ordinance to (A) prohibit the cumulative noise level from multiple pieces of equipment operating simultaneously on the same site to exceed the maximum noise levels allowed when measured at the nearest lot line and (B) to eliminate various exemptions in residential districts.

HELD 5-0 (Baker not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#422-06(2) ALD. HESS-MAHAN requesting that a task force be established to meet and prepare a report and recommendations regarding the regulation of noise, air pollution and best practices with respect to the operation of power equipment used in landscaping, property and yard maintenance, including, without limitation, leaf blowers. [01/27/09 @ 3:47 PM]

HELD 6-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, February 22, 2012

Present: Ald. Salvucci (Chairman), Albright, Gentile, Crossley, Danberg, Laredo, and Lappin;
absent: Ald. Lennon; also present: Ald. Baker, Blazar, Hess-Mahan, Kalis, Linsky, Merrill, and Sangiolo

#41-12 NATIONAL GRID petitioning for a grant of location to install and maintain approximately 125 feet of gas main easterly from the existing 4” gas main at the intersection of Broken Tree Road to provide service to 131 Old Farm Road.

PUBLIC HEARING CONTINUED TO MARCH 7, 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]

APPROVED 7-0

- #50-12 ROBERT CICCETTI, 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. [02/13/12 @ 3:57 PM]

PETITIONER TO PAY ENTIRE COST

HELD 7-0

The below item was discussed jointly with the Programs & Services Committee:

REFERRED TO PROG & SERV, PUBLIC FACIL. AND FINANCE COMMITTEES

- #367-10 HIS HONOR THE MAYOR requesting authorization to appropriate an amount not to exceed five million dollars (\$5,000,000) from bonded indebtedness for the following:
- (C) installation of up to six modular classrooms at five elementary schools as well as the addition of permanent classrooms and renovations to the core of F.A. Day Middle School. [11/29/10 @ 3:23 PM]
 - (A) \$75,000 for site plan work for 1 modular at Horace Mann, 2 at Zervas, and 1 at Burr was approved on December 20, 2010.
 - (B1) \$923,375 for installation of 4 modulares was approved on July 11, 2011
 - (B2A) \$86,545 for additional expenses related to the construction and installation of modular was approved on November 21, 2011.
 - (B2B) \$102,117 for design of sprinkler systems at three elementary schools was approved on November 21, 2011.
 - (B2C) Six hundred forty-three thousand five hundred dollars (\$643,500) of the remaining \$3,812,963 for the design and other related expenses associated with the building renovations to F.A. Day Middle School was approved on December 19, 2011.
- #367-10(B2)** – \$3,169,463 (remaining balance) for renovations to the core of F.A. Day Middle School and sprinkler systems was held on December 19, 2011.
- NOTE: Item amended as shown below to reflect the following request for funding from the remaining \$3,169,463:**

#367-10(B2D) – One million four hundred seventy-four thousand one hundred ninety-four dollars (\$1,474,194) of the remaining \$3,169,463 for the purpose of funding construction, construction administration and related expenses for the sprinkler system installations at the Burr, Zervas, and Horace-Mann Elementary Schools.

PROGRAMS & SERVICES APPROVED 3-0-3 (Blazar, Linsky, Sangiolo abstaining) on 02/22/12

FINANCE APPROVED 6-0 (Gentile not voting) on 02/27/12

APPROVED 7-0

#367-10(B2) \$ 1,695,269 (remaining balance) for renovations to the core of F.A. Day Middle School and sprinkler systems.

PROGRAMS & SERVICES HELD 6-0 ON 02/22/12

FINANCE APPROVED 6-0 (Gentile not voting) on 02/27/12

PUBLIC FACILITIES HELD 7-0

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

#407-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of ninety thousand dollars (\$90,000) from bonded indebtedness for the purpose of purchasing a backhoe for the Department of Public Works. [10/31/11 @ 2:48 PM]

FINANCE APPROVED 6-0 (Gentile not voting) on 02/27/12

APPROVED 7-0

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

#89-11 FINANCE COMMITTEE recommending that **Sec. 29-72(b) Same— Assessments upon owners of estates passed by new sewers.** of the City of Newton Rev Ordinances, 2007, be amended to increase the fixed uniform rates assessed upon owners of all estates passed by new sewers to rates that more accurately represent the estimated average cost of installing such sewers. [03-07-11 @9:30 AM]

FINANCE APPROVED 6-1 (Gentile opposed) on 02/27/12

APPROVED 6-0-1 (Gentile abstaining)

#280-11 ALD. SALVUCCI AND LINSKY requesting an amendment to Section 26-51 of the City of Newton Ordinances, 2007 – Public way improvements constituting specific repairs, to add the following design change text to paragraph 9a): “or any adjustment of the curbing that causes an intrusion into the roadway.” [09/20/11 @ 10:38 AM]

NO ACTION NECESSARY 6-0 (Albright not voting)

REFERRED TO FINANCE COMMITTEE

Monday, February 27, 2012

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

#52-12 HIS HONOR THE MAYOR requesting authorization to accept, appropriate, and expend a reimbursable grant of one million eight hundred fifty thousand dollars (\$1,850,000) for Route 9 infrastructure improvements associated with the Chestnut Hill Square Development Project contingent upon the successful execution of the grant agreement between the Executive Office of Housing and Economic Development and the City of Newton. [02/13/12 @ 3:57 PM]
APPROVED 7-0

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

#89-11 FINANCE COMMITTEE recommending that **Sec. 29-72(b) Same— Assessments upon owners of estates passed by new sewers.** of the City of Newton Rev Ordinances, 2007, be amended to increase the fixed uniform rates assessed upon owners of all estates passed by new sewers to rates that more accurately represent the estimated average cost of installing such sewers. [03-07-11 @9:30 AM]
PUBLIC FACILITIES APPROVED 6-0-1 (Gentile abstaining) on 02/22/12 APPROVED 6-1 (Gentile opposed)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#407-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of ninety thousand dollars (\$90,000) from bonded indebtedness for the purpose of purchasing a backhoe for the Department of Public Works. [10/31/11 @ 2:48 PM]
PUBLIC FACILITIES APPROVED 7-0 on 02/22/12 APPROVED 6-0 (Gentile not voting)

#53-12 COMMISSIONER OF PUBLIC WORKS requesting approval of the following mentioned sidewalk/driveway apron and/or curb betterments; said betterments to be levied under the provisions of MGL Chapter 83, Sec. 26, authorizing the assessment of betterments for sidewalk construction:

Address	Owner Name	Book/Page	Sec/Block/Lot	Total Cost
84 Bigelow Road (includes 145 LF for 84 Bigelow + 168 LF for adjacent lot at 100 Bigelow)	Rubin Mark and Lauren	027733/0082	32053 0010	\$2,610.00
100 Bigelow Road	Rubin Mark and Lauren	027733/0082	32053 0010	\$3,024.00

14 Forest Avenue	Benson Steven & Beth	052727/0349	24006 0002	\$1,550.00
97 Forest Avenue (New Lot -101)	Labow Brian and Seminara Stephanie	050599/0589	32051 0008B	\$1,984.00
110 Forest Avenue	Grannan David and Kristen	053344/0373	32052 0005	\$1,711.00
111 Forest Avenue	Basnight Walter	045373/0231	32051 0009	\$1,696.00
111 Forest Avenue	Basnight Walter	045373/0231	32051 0009	\$1,311.50
111 Forest Avenue	Basnight Walter	045373/0231	32051 0009	\$896.00
138 Forest Avenue	Simkin Deborah	042164/0048	32052 0002	\$1,658.00
245 Highland Avenue	Flesh George & Marilyn Holly	030425/0321	24006 0015	\$4,268.00
315-317 Lowell Avenue	Maccormack James & Eloise	027233/0048	24014 0003	\$1,296.00
18 Moffat Road	Stilwell Simon R & Burke Heather	001358/0069	53034B0003	\$1,406.00
28 Moffat Road	Abrahamson Martin J & Sharon Z.	022304/0222	53034B0001	\$2,719.00
84 Moffat Road	O Connor Ivan	049987/0241	53035 0002	\$992.00
129 Moffat Road	Herman John B. & Mary O.	018588/0475	53031 0003	\$1,226.00
141 Moffat Road	Amorosino Joseph Jr.	051665/0108	53031 0004	\$2,288.00
142 Moffat Road	Hadley William B & Beverly	009625/0200	53033 0006	\$1,676.00
173 Moffat Road	Bruce Richard & Janesse	031303/0106	53031 0007	\$1,549.00
513 Chestnut Street	Michael J. Hiscox	047949/0366	53034B0004	\$1,568.00
100 Pine Ridge Road	Piken Keith & Maria	050009/0350	53020 0003	\$2,507.00
63 Windsor Road	Day Karen L	039535/0386	53032 0010	\$1,964.00
89 Windsor Road	Todreas Carol S	025433/0524	53031 0010	\$4,033.00
170 Windsor Road	Frieze David	023948/0295	53030 0008	\$2,899.00
75-77 Central Street	Schofield Allen W	047355/0367	43014 0004	\$2,172.50

78 Central Street	Blumenthal Robert H & Denise E	013309/0575	43015 0007	\$1,897.50
28 Central Street	Goodman Susan D	047882/0473	43010 0007	\$1,187.50
36 Central Street	Birnbaum Howard & Beth	025555/0028	43010 0006	\$1,270.00
115 Central Street	Donovan Joseph F & Judith M	012355/0312	43014 0010	\$1,020.00
116 Central Street	Fandrey Adam C	049680/0557	43015 0001	\$3,057.50
646 Chestnut Street	Barabasi Albert-Laszlo	052679/0467	53020 0001	\$3,497.50
139 Hancock Street	Goeselt Brian	031845/0566	43028 0010	\$3,575.00
145-147 Cypress Street	Levinson Brent Lewin	014023/0153	65015 0010	\$2,100.00
57 Hancock Street	Sarah White	048374/0342	43021 0016	\$1,237.50
147 Hancock Street	Musen Michael and Fernanda M	021465/0401	43028 0011	\$1,985.00
255 Homer Street	Kosowsky Jeffrey J & Miriam A	043712/0571	64012 0009	\$2,035.00
112 Homer Street	Philosophe Ralph & Ruth	032786/0259	64032 0037	\$3,607.50
121 Homer Street	Pemstein Raylea S	022250/0530	64034 0004	\$1,460.00
230 Homer Street	Li Sizhu	053214/0449	64018 0001	\$1,595.00
277 Homer Street	Zar-Kessler Arnold B & Lorel	021039/0225	64012 0015	\$1,462.50
98 Homer Street	Damon Selma T TR	022028/0158	64032 0040	\$3,805.00
152 Homer St	Copithorne David A & Barbara S	023079/0485	64032 0032	\$2,702.50
261 Homer Street	Katz Alan J & Susan D	025006/0522	64012 0013	\$1,380.00
11 Hyde Street	Jarell Joseph A	013679/0577	52020 0014	\$2,812.50
11 Hyde Street	Jarell Joseph A	013679/0577	52020 0014	\$1,595.00
19 Hyde Street	Goldman Henry T	013206/0001	52020 0015	\$1,625.00

22 Hyde Street	Tamm Peter L	051156/0533	52018 0014	\$1,515.00
57 Hyde Street	Loewenstein Ernest	051653/0151	52020 0019	\$2,232.50
51 Hyde Street	Heywood James	046206/0062	52020 0018	\$2,345.00
82 Hyde Street	Giglio Janice	039221/0202	52023 0001	\$910.00
284 Lake Avenue	Goldstein Gary Stephen	055328/0062	52023 0002	\$1,517.50
292 Lake Avenue	Strassberg Steven and Elena Eisman	019441/0079	52022 0008	\$1,212.50
9-11 Maple Street	Fong Gim & Fay	023288/0052	43014 0001A	\$1,270.00
22 Maple Street	Carey Jonathan A	044840/0340	43011 0023	\$1,820.00
39 Pine Ridge Road	Regan Michael & Danielle	049335/0137	53019 0015	\$1,627.50
51 Pine Ridge Road	Curran John	048091/0387	53019 0017	\$2,232.50
56 Pine Ridge Road	Meyer John B & Stephanie	014497/0569	53020 0009	\$3,277.00
69 Pine Ridge Road	Klivans Robert & Joan	014248/0306	53019 0020	\$4,322.00
72 Pine Ridge Road	Kryder John Christian & Barbara	022783/0576	53020 0007	\$3,525.00
105 Pine Ridge Road	Dorfman Mark & Laura	037485/0193	53019 0024	\$2,040.00
115 Pine Ridge Road	White Burton Hodgson	016878/0093	53019 0025	\$3,910.00
210 Pleasant Street	Deighton Anthony	047687/0165	64019 0007	\$1,737.50
71-73 Newtonville Avenue	Walker Henry Mager III and Kathleen	001209/0015	12018 0022A	\$2,394.53
71-73 Newtonville Avenue	Walker Henry Mager III and Kathleen	001209/0015	12018 0022A	\$750.00
167 Woodland Road	Martinez Jose	025505/0065	43034 0005	\$1,517.50
195 Woodland Road	Anisimov Nicholas and Amy	021883/0035	43036 0010	\$1,572.50
230 Woodland Road	Christiansen Edward J & E Tatum	014749/0507	43010 0015	\$1,542.50

244 Woodland Road	Kosa Peter & Jessica	054703/0417	43009 0011	\$3,470.00
1735 Washington Street (Woodland Road)	Apholt Eleanor M	025479/0414	43039 0018	\$2,040.00

APPROVED 6-0 (Gentile not voting)

REFERRED TO PROG & SERV, PUBLIC FACIL. AND FINANCE COMMITTEES

#367-10 **HIS HONOR THE MAYOR** requesting authorization to appropriate an amount not to exceed five million dollars (\$5,000,000) from bonded indebtedness for the following:
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PROG & SERV APPROVED 3-0-3 (Blazar, Linsky, Sangiolo abstaining) on 02/22/12
PUBLIC FACILITIES APPROVED 7-0 on 02/22/12
APPROVED 6-0 (Gentile not voting)

#367-10(B2) – \$ 1,695,269 (remaining balance) for renovations to the core of F.A. Day Middle School and sprinkler systems.
PROGRAMS & SERVICES HELD 6-0 on 02/22/12
PUBLIC FACILITIES HELD 7-0 on 02/22/12
HELD 6-0 (Gentile not voting)

- #51-12 HIS HONOR THE MAYOR requesting authorization to establish a “procedure for the disposal of supplies valued at less than \$5,000” pursuant to M.G.L. Chapter 30B §15, which states the Purchasing Agent to dispose of tangible supplies that are no longer useful to the City, but have an estimated net resale or salvage value of less than \$5,000 using written procedures approved by the Board of Aldermen. [02/13/12 @ 3:57 PM]
APPROVED 6-0 (Gentile not voting)

REFERRED TO REAL PROPERTY REUSE COMMITTEE

Tuesday, February 28, 2012

Present: Ald. Albright (Chairman), Ald. Merrill, Crossley, Laredo, Gentile, Swiston, and Fischman; absent: Ald. Danberg

- #287-11 DIRECTOR OF PLANNING & DEVELOPMENT submitting on October 3, 2011 a letter stating that the building and land at 1294 Centre Street, declared surplus by the COMMISSIONER OF HEALTH & HUMAN SERVICES on September 21, 2011, should be declared unnecessary for all municipal purposes pursuant to Section 2-7.

APPROVED 4-0-3 (Gentile, Merrill, Swiston abstaining) TO DECLARE THE PROPERTY SURPLUS & APPOINT A JOINT ADVISORY PLANNING GROUP

- #55-12 ALD. ALBRIGHT requesting a discussion and development of a committee to review Section 2-7 of the revised ordinances of 2007 to look at aligning the real property reuse process with state law.

HELD 6-0; SUBCOMMITTEE OF ALD. ALBRIGHT & LAREDO APPOINTED

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Trisha Guditz, 617-796-1156, via email at TGuditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date