

CITY OF NEWTON

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, March 19, 2012

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

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

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.
FINANCE APPROVED 6-1 (GENTILE OPPOSED) ON 02/27/12
PUBLIC FACILITIES APPROVED 6-0-1 (GENTILE ABSTAINING) ON 02-22-12

BOARD OF ALDERMEN APPROVED 19-3 (ALD. GENTILE, HARNEY, SANGIOLO OPPOSED; ALD. LENNON AND RICE ABSENT) ON MARCH 5, 2012

A MOTION TO RECONSIDER THE FOLLOWING ITEM WAS FILED MARCH 6, 2012 BY ALD. YATES

BOARD APPROVED RECONSIDERATION BY VOICE VOTE

MOTION TO RECOMMIT TO PUBLIC FACILITIES AND FINANCE APPROVED BY VOICE VOTE

Clerk's Note: After the Board voted to approve the item on March 6, 2012, the Law Department advised the Board that the language of the Board Order did not address property owners on corner lots. Ald. Yates filed for reconsideration of this item to address the problem. The item was reconsidered and referred back to committees in order that the language of the item be revised to eliminate the possibility of double charging owners of corner lots for sewer installations.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 24 YEAS TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

Tuesday, March 6, 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.
LAND USE APPROVED 8-0

REFERRED TO LAND USE COMMITTEE

Tuesday, 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 May and the temporary displacement of approximately 90 parking spaces and associated waiver 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.
HEARING CLOSED; LAND USE APPROVED 6-0 (Schwartz not voting)
- #43-12 GRACE CONNELLY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct 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, 2007.
HEARING CLOSED; LAND USE APPROVED 7-0
- #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.
HEARING CONTINUED TO APRIL 10, 2012

REFERRED TO ZONING & PLANNING COMMITTEE

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 February 1, 2013 (60 days 03/29/12). [01/30/2012 @ 4:34PM]
ZONING & PLANNING APPROVED 6-0

Appointment by His Honor the Mayor:

- #390-11(2) WILLIAM MCLAUGHLIN, 117 Hammond Street, Newton, being appointed as a full member of the Zoning Board of Appeals for a term of office, filling the full member position vacated by Selma H. Urman, Esq., to expire on September 30, 2012 (60 days 03/06/12). [01/30/2012 @ 4:34PM]
ZONING & PLANNING APPROVED 6-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday 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]
PUBLIC HEARING CONTINUED TO MARCH 21, 2012

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, March 7, 2012

MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR TO POLL HIS COMMITTEE ON THE FOLLOWING TWO ITEMS WAS APPROVED BY VOICE VOTE

- #59-12 ALD. YATES, requesting a report from His Honor the Mayor as to how the City can support the request of the MBTA Advisory Board that the costs of the MBTA Police Department be assumed by the Massachusetts Executive Office of Public Safety and Homeland Security. [02/21/12 @ 8:29 PM]
RESOLUTION APPROVED 6-0-2 (Fuller and Johnson abstaining) Subject to 2nd call
MOTION IN COMMITTEE TO MOVE HOLD IN COMMITTEE WAS APPROVED 8-0
- #60-12 ALD. YATES, requesting a report from His Honor the Mayor as to how the City can support the recommendations of the MBTA Advisory Board that the

Massachusetts Port Authority assume the costs of the commuter ferries into Boston. [02/21/12 @ 8:29 PM]

RESOLUTION APPROVED 6-0-2 (Fuller and Johnson abstaining) Subject to 2nd call

MOTION IN COMMITTEE TO MOVE HOLD IN COMMITTEE WAS APPROVED 8-0

PUBLIC FACILITIES COMMITTEE REPORT

Wednesday, March 7, 2012

#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 FACILITIES APPROVED 7-0 (Gentile not voting)

#116-10 ALD. CROSSLEY AND HESS-MAHAN requesting discussion regarding status of ESCO weatherization audit focusing on building envelope retrofits proposed for Phase II and Phase III and coordinating those efforts to inform decision making on related capital expenditures. [04/13/10 @ 7:24 PM]
PUBLIC FACILITIES NO ACTION NECESSARY 7-0 (Lappin not voting)

#126-09 ALD. LAPPIN requesting an update on the status of repairs and rental of the Kennard Estate. [04/17/09 @ 2:49 PM]
PUBLIC FACILITIES NO ACTION NECESSARY 8-0

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 1 RECUSED (Ald. Laredo) TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

#56-12 ONE WELLS AVENUE LIMITED PARTNERSHIP requesting an amendment to the 1968 Wells Avenue restrictive covenant to allow a graduate school of professional psychology - a non-profit use – to be operated by the Massachusetts School of Professional Psychology to locate in an existing building at One Wells Avenue. *Note: Public Hearing not required.*
LAND USE APPROVED 6-0 (Laredo Recused)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 1 RECUSED (Ald. Ciccone) TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

- #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 APPROVED 8-0

A MOTION TO SUSPEND THE RULES TO ALLOW THE FOLLOWING LATE FILED ITEM TO BE ACCEPTED ON THE DOCKET AND REFERRED TO ZONING AND PLANNING WAS APPROVED BY VOICE VOTE

- #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]

THE FOLLOWING ITEM, ORIGINALLY REFERRED TO PUBLIC FACILITIES ON THE MARCH 19, 2012 DOCKET, WILL BE REFERRED TO REAL PROPERTY REUSE

- #72-12 HIS HONOR THE MAYOR proposing an amendment to §2-7 of the City of Newton Revised Ordinances, 2007 to facilitate the installation of solar panels on public property. [03-12-12 @ 4:10 PM]

Clerk's Note: President Lennon changed the original referral of this item as it seeks a change to the Reuse Ordinance which was approved on first call.

THE FOLLOWING PUBLIC HEARINGS WERE ASSIGNED:

Public Hearing assigned for April 9, 2012:

- #77-12 HIS HONOR THE MAYOR proposing pursuant to Sec. 6-2 an amendment to Chapter 9 of the City of Newton Revised Ordinances, 2007 by creating Article II to establish a Financial Information Systems Department. [03/12/12 @ 4:09 PM]

Public Hearing assigned for April 10, 2012:

#62-12 CHARLOTTE N. DUHAMEL & GREGORY P. LICHOLAI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE by adding a 3^{1/2}-story addition to the rear of existing single-family dwelling, increasing the Floor Area Ratio from a legally nonconforming .54 to .66, where .41 is allowed by-right, at 43 HILLSIDE STREET, Ward 3, West Newton, on land known as SBL 52, 10, 4, containing approximately 8,365 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 3015 Table 1 of the City of Newton Rev Zoning Ord, 2007.

Public Hearing assigned for April 11, 2012:

#71-12 BOSTON COLLEGE petitioning for a grant of location to remove Pole #s 404/1 through 404/15, a total of 15 utility poles, along the east side of COLLEGE ROAD and install the following:

- a) 1,150' ± duct bank within COLLEGE ROAD from the intersection of Hammond Street and College Road northerly thence turning easterly to an existing manhole on private property; and
- b) Continuing from the existing manhole on private property westerly 50' ± thence southerly 60' ± in COLLEGE ROAD prior to turning westerly onto private property between 78 and 80 College Road.
- c) 300' of ± duct bank in HAMMOND STREET from the intersection of College Road and Hammond Street northwesterly to Pole # 195/23
- d) Three telecommunication handholes in HAMMOND STREET at Poles 192/23, 192/24, and 192/25
- e) five 6'x6' manholes in COLLEGE ROAD at the following locations: the intersection of College Road and Hammond Street, 200' ± north of the intersection, 400' ± north of the intersection, 550' ± north of the intersection, and 750' ± north of the intersection.