

## **REPORTS DOCKET**

March 21: Programs&Services; Public Safety&Transportation; Public FacilitiesContinued  
March 22: Zoning&Planning Page 75  
March 26: Finance; Zoning&Planning Monday, March 19, 2012  
March 27: Real Property Reuse 7:45 PM, Newton City Hall  
To be reported on  
**MONDAY, APRIL 2, 2012**

### **CITY OF NEWTON**

#### **IN BOARD OF ALDERMEN**

#### **REFERRED TO ZONING AND PLANNING COMMITTEE**

Thursday March 22, 2012

Present: Ald. Johnson (Chairman), Baker, Lennon, Sangiolo, Yates, Kalis, Danberg, Swiston;  
also present: Ald. Hess-Mahan, Gentile, Crossley, Harney, Albright, Merrill, Fischman  
Planning and Development Board: Joyce Moss (Chairman), David Banash, Eunice Kim, Leslie  
Burg, Doug Sweet, Scott Wolf

*A public hearing was held on the following item:*

#400-11 Ald. Gentile, Harney, Sangiolo requesting amendment to Section 30-13 to establish a Mixed-Use 3/Transit Oriented District (MU3/TOD) including a list of permitted uses and a requirement for all development greater than 20,000 square feet of gross floor area to obtain a “mixed-use development” special permit. The mixed-use development special permit shall require the creation of a development parcel governed by an organization of owners and limit development to no more than 225,000 square feet of office in one building, no more than 290 dwelling units in up to two buildings, and 20,000 square feet of retail and other commercial uses with a requirement for residential, office, and retail uses. Amend Section 30-15 to create a new Subsection (v) and revised Table 3 providing dimensional standards for development in the MU3/TOD. Section 30-15(v) shall include required setbacks from public ways of one half building height with exceptions for setbacks along public highways and rail yards, a requirement for a minimum of 15% beneficial open space, a maximum height of 135 feet for buildings, and a maximum FAR of 2.4. Amend Section 30-24 to include, but not be limited to, standards for project phasing; require pre-construction and post-construction studies of road and traffic impacts, water, sewer, and storm water impacts, and net fiscal impacts; incorporate additional criteria for the granting of a special permit; and set additional special permit filing requirements. Amend Section 30-19 to create new parking standards for this mixed-use development, which incorporates a shared-parking study. Amend the definitions in Section 30-1 for key terms related to the above provisions. Amend Section 30-5 to allow those public uses described in Section 30-6 in all zoning districts.

**HEARING CLOSED; HELD 8-0**

*A public hearing was held on the following item:*

#400-11(2) The Planning Department, requesting in the event that #400-11 is adopted, to amend Section 30-15(v) and Table 3 to allow up to 250,000 square feet of additional gross floor area and a maximum FAR of 3.0 for providing direct access to and from Route 128.

**HEARING CLOSED; HELD 8-0**

**REFERRED TO ZONING AND PLANNING COMMITTEE**

Monday March 26, 2012

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

#400-11 Ald. Gentile, Harney, Sangiolo requesting amendment to Section 30-13 to establish a Mixed-Use 3/Transit Oriented District (MU3/TOD) including a list of permitted uses and a requirement for all development greater than 20,000 square feet of gross floor area to obtain a "mixed-use development" special permit. The mixed-use development special permit shall require the creation of a development parcel governed by an organization of owners and limit development to no more than 225,000 square feet of office in one building, no more than 290 dwelling units in up to two buildings, and 20,000 square feet of retail and other commercial uses with a requirement for residential, office, and retail uses. Amend Section 30-15 to create a new Subsection (v) and revised Table 3 providing dimensional standards for development in the MU3/TOD. Section 30-15(v) shall include required setbacks from public ways of one half building height with exceptions for setbacks along public highways and rail yards, a requirement for a minimum of 15% beneficial open space, a maximum height of 135 feet for buildings, and a maximum FAR of 2.4. Amend Section 30-24 to include, but not be limited to, standards for project phasing; require pre-construction and post-construction studies of road and traffic impacts, water, sewer, and storm water impacts, and net fiscal impacts; incorporate additional criteria for the granting of a special permit; and set additional special permit filing requirements. Amend Section 30-19 to create new parking standards for this mixed-use development, which incorporates a shared-parking study. Amend the definitions in Section 30-1 for key terms related to the above provisions. Amend Section 30-5 to allow those public uses described in Section 30-6 in all zoning districts.

**HELD 8-0**

#400-11(2) The Planning Department, requesting in the event that #400-11 is adopted, to amend Section 30-15(v) and Table 3 to allow up to 250,000 square feet of additional gross floor area and a maximum FAR of 3.0 for providing direct access to and from Route 128.

**HELD 8-0**

**REFERRED TO PROGRAMS AND SERVICES COMMITTEE**

Wednesday March 21, 2012

Present: Ald. Sangiolo (Chairman), Linsky, Hess-Mahan, Blazar, Fischman, Rice, Baker, Merrill; also present: Ald. Johnson, Yates

*Public Hearing continued from 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.

[01/30/2012 @ 4:18PM]

**HEARING CLOSED; APPROVED 8-0**

#297-11(4) **PROGRAMS & SERVICES COMMITTEE** approving a RESOLUTION to His Honor the Mayor that should the Board of Aldermen approve docket #297-11(3), assigning the Licensing Board of Commissioners to the Department of Health and Human Services, the administration retain former licensing administrative assistant Patricia Sweeney to provide additional training to the staff taking over her duties .

**APPROVED 8-0**

#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]

**APPROVED 8-0**

#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.

**APPROVED 8-0**

**REFERRED TO PROG & SERV, PUB FACIL. & FINANCE COMMITTEES**

#130-11 **PAUL COLETTI, ALD. SANGIOLO, DANBERG, & JOHNSON** requesting Home Rule Legislation to create a Capital Preservation Fund for the City of Newton modeled on the Community Preservation Fund to address the capital needs of the City. [04/11/11 @9:42 PM]

**FINANCE VOTED NO ACTION NECESSARY on 10/12/11**

**PUBLIC FACILITIES VOTED NO ACTION NECESSARY on 10/19/11**

**APPROVED & REFERRED TO FINANCE 5-0-3(Fischman, Baker, Blazar abstaining)**

#130-11(A) PROGRAMS & SERVICES COMMITTEE requesting the Finance Committee review alternate proposed Home Rule Legislation language related to the creation of a Capital Preservation Fund.

**APPROVED & REFERRED TO FINANCE 7-0-1 (Blazar abstaining)**

#67-12 ALD. ALBRIGHT seeking a discussion with the Executive Department regarding a plan and timeline for funding an archivist/records manager position for the city to oversee the preservation, cataloguing, and organization of the city archives; provide guidance and assistance to city departments that are maintaining their own archives in order to ensure that records are preserved, accessible, and maintained; and, plan for future storage needs as the collection continues to expand. [03-12-12 @ 10:28 AM]

**HELD 8-0**

#68-12 ALD. YATES, MERRILL asking that the Executive Department develop a detailed plan for the storage of the veterans archives currently housed in the War Memorial that allows for proper access to the records by veterans, their families, and historians, both amateur and professional. [03-05-12 @ 9:40 PM]

**HELD 8-0**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, March 21, 2012

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

#278-11 ALD. YATES, requesting a report from His Honor the Mayor on the likely impacts on traffic in Newton from the changes to the Route 9/128 intersection as part of the Add-A-Lane Project. [09/26/11 @ 2:37 PM]

**HELD 5-0 (Johnson not voting)**

**REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES**

#262-11 HIS HONOR THE MAYOR requesting amendments to Chapter 17 of the City of Newton Ordinances, 2007 to increase fees for permits issued by the Fire Department. [08/29/11 @ 3:50 PM]

**FINANCE NO ACTION NECESSARY on 03/26/12**

**NO ACTION NECESSARY 5-0 (Yates not voting)**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, March 21, 2012

Present: Ald. Salvucci (Chairman), Lennon, Albright, Gentile, Crossley, Danberg, Laredo and Lappin; also present: Ald. Linsky

#61-12 NSTAR ELECTRIC COMPANY petitioning for a grant of location to relocate and replace Pole #3/8 on the southwesterly side of ADAMS AVENUE approximately 40' ± southeast of Milton Street. (Ward 3) [02/27/12 @ 11:04 AM]

**APPROVED 4-0 (Lennon, Gentile, Danberg, Laredo not voting)**

#13-12 ALD. ALBRIGHT, LINSKY AND JOHNSON requesting discussion with the appropriate utilities and City departments regarding the prolonged construction on Walnut Street during the Fall of 2011, which caused tremendous loss of revenue for Newtonville businesses. [12/13/11 @ 12:13 PM]

**NO ACTION NECESSARY 8-0**

*Item recommitted by the Board of Aldermen on March 19, 2012*

**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 7-0 (Gentile not voting) on 03/26/12**

**APPROVED 8-0**

#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 8-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#54-12 ALD. SALVUCCI, BLAZAR AND FULLER requesting the creation of a revolving fund into which 50% of all betterment income shall be deposited to be used exclusively for individual requests for betterments. [02/02/12 @ 10:21 AM]

**FINANCE TO MEET**

**HELD 7-1 (Salvucci opposed)**

**REFERRED TO FINANCE COMMITTEE**

Monday, March 26, 2012

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

#73-12 HIS HONOR THE MAYOR requesting acceptance of Massachusetts General Law Chapter 200A, Section 9A, Disposition of Unclaimed Property in order to have any unclaimed funds escheat to the City as revenue to the to the General Fund instead of allowing these funds to escheat to the Commonwealth. 03/12/12 @ 4:09 AM]  
**APPROVED 8-0**

#74-12 HIS HONOR THE MAYOR requesting authorization to accept, appropriate, and expend the sum of fifty thousand dollars (\$50,000) received from the Town of Wellesley, as a condition of a special permit issued by Wellesley, to provide improvements at the intersection of Washington Street and Concord Street in Newton Lower Falls  
**APPROVED 8-0**

#75-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two million dollars (\$2,000,000) from FY12 Free Cash to provide additional funding of the Rainy Day Stabilization Fund. [10/31/11 @2:48 PM]  
**APPROVED 8-0**

#76-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred fifty thousand dollars (\$250,000) from the March 12, 2012 Declaration of Overlay Surplus as declared by the Chairman of the Board of Assessors to the Assessing Department Revaluation Account to support expert services required for such items as utility valuation and testimony for cases before the Appellate Tax Board. [03/12/12 4:09 PM]  
**HELD 8-0**

**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.  
**PUBLIC FACILITIES APPROVED 8-0 on 03/21/12**  
**APPROVED 7-0 (Gentile not voting)**

*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]  
*N. B. The Board shall not more than 30 days from 03/19/12 hold a public hearing on the proposed new city agency and shall report no later than the second regular meeting of the Board of Aldermen following the hearing either that it approves or that it disapproves of the plan; said reorganization shall become effective ninety days after the date it is received by the Board unless the Board has prior to that date voted to disapprove the plan or unless a later effective date is specified in the plan.*

**HELD 7-0 (Gentile not voting)**

**REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES**

#102-11 ALD. HESS-MAHAN, JOHNSON, COMMISSIONER LOJEK & CANDACE HAVENS requesting an amendment to Chapter 17 to establish a fee for filing a notice of condo conversion. [03-29-11 @ 4:55PM]

**ZAP APPROVED 7-0 on 06/13/11**

**REFERRED TO ZONING & PLANNING COMMITTEE 7-0 (Gentile not voting)**

*To be referred to Zoning and Planning Committee for further discussion*

**REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES**

#95-11 ALD. HESS-MAHAN proposing an ordinance requiring that a notice of conversion to condominium ownership be filed with the Inspectional Services Department and that the property be inspected to determine compliance with all applicable provisions of the state and local codes, ordinances and the rules and regulations of all appropriate regulatory agencies. [03-24-11 @ 9:30AM]

**ZAP APPROVED 7-0 on 06/13/11**

**REFERRED TO ZONING & PLANNING COMMITTEE 7-0 (Gentile not voting)**

**REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES**

#262-11 HIS HONOR THE MAYOR requesting amendments to Chapter 17 of the City of Newton Ordinances, 2007 to increase fees for permits issued by the Fire Department. [08/29/11 @ 3:50 PM]

**PUBLIC SAFETY VOTED NO ACTION NECESSARY 5-0 on 3/21/12**

**NO ACTION NECESSARY 7-0 (Gentile not voting)**

**REFERRED TO REAL PROPERTY REUSE COMMITTEE**

Tuesday, March 27, 2012

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

#80-12      **HIS HONOR THE MAYOR** recommending that the Carr Cultural Center, located at 225 Nevada Street, be transferred to the School Department for use as swing space, which after solicitation of all municipal departments by the Director of Planning and Development pursuant to Sec. 2-7 of the City of Newton Ordinances, 2007, is the only department that expressed interest in the property.  
**APPROVED 7-0**

#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.  
**APPROVED 7-0**

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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](mailto:TGuditz@newtonma.gov) or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date