

CITY OF NEWTON

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, May 21, 2012

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

Absent: Ald. Laredo and Merrill

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

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF FINANCE TO REPORT OUT THE FOLLOWING TWO ITEMS WITHOUT A WRITTEN REPORT WAS APPROVED BY VOICE VOTE

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#383-11(2) **HIS HONOR THE MAYOR** submitting in accordance with Section 5-1 of the City of Newton Charter the FY13 Municipal/School Operating Budget totaling \$312,979,964 passage of which shall be concurrent with the FY13-FY17 Capital Improvement Program (#383-11). [04-09-12 @ 2:48 PM]
EFFECTIVE DATE OF SUBMISSION: 04/17/12; LAST DATE TO PASS THE BUDGET 06/01/12

COMMITTEE OF THE WHOLE APPROVED AS AMENDED TO \$375,794,489 BY UNANIMOUS VOICE VOTE

APPROVED AS AMENDED TO \$375,794,489 22 YEAS, 2 ABSENT (Ald. Laredo and Merrill)

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#383-11 **HIS HONOR THE MAYOR** submitting the FY13-FY17 Capital Improvement Program, totaling pursuant to section 5-3 of the Newton City Charter and the FY12 Supplemental Capital budget which require Board of Aldermen approval to finance new capital projects over the next several years. [10/31/11 @ 3:12 PM]

COMMITTEE OF THE WHOLE APPROVED UNANIMOUSLY BY VOICE VOTE AS AMENDED TO HAVE THE FIBER NETWORK PROJECT COMPLETED IN TWO YEARS.

APPROVED AS AMENDED 22 YEAS, 2 ABSENT (Ald. Laredo and Merrill)

MOTION TO RECONSIDER THE ITEM FAILED TO CARRY

Clerk's Note: The Board met as a Committee of the Whole and completed its budget discussions as part of the Board Meeting. Once the Committee of the Whole voted the Budget and Capital Improvement Plan it was reported to the Full Board for its final vote.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 3 ABSENT (Ald. Laredo, Merrill and Schwartz) TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

Tuesday, May 15, 2012

#116-12 NONANTUM NEIGHBORHOOD ASSOCIATION requesting a temporary license pursuant to Sec 30-6(k) of the City of Newton Ordinances to hold its first NONANTUM VILLAGE DAY on Sunday, June 3, 2012, from Noon to 3:00 PM.
APPROVED 5-0 (Schwartz not voting)

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, May 14, 2012

#207-09(2) ALD. PARKER, DANBERG & MANSFIELD, proposing that chapter 30 be amended to allow additional seating in restaurants. [07/07/09 @ 12:42 PM]
NO ACTION NECESSARY 8-0

#411-09 ALD. DANBERG, MANSFIELD, PARKER requesting that §30-19(d)(13) be amended by adopting the Board of License Commissioners' current informal policies, which waive parking stall requirements for a set maximum number of seasonal outdoor seats in restaurants and require that indoor seats be temporarily reduced to compensate for any additional outdoor seats while they are in use, by establishing a by-right limit based on a proportion of existing indoor seats that will allow seasonal outdoor seats to be used without need for additional parking.
NO ACTION NECESSARY 8-0

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, May 9, 2012

#289-11 ALD. HESS-MAHAN, SWISTON, SALVUCCI, requesting a discussion with the Animal Control Department regarding the presence of coyotes in Newton and the recent attack on a dog in West Newton. [10/06/11 @ 9:07 AM]
NO ACTION NECESSARY 7-0

ITEM RECOMMITTED TO PUBLIC SAFETY & TRANSPORTATION ON 03/19/12

- #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]

NO ACTION NECESSARY 7-0

ITEM RECOMMITTED TO PUBLIC SAFETY & TRANSPORTATION ON 03/19/12

- #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]

NO ACTION NECESSARY 7-0

REFERRED TO FINANCE COMMITTEE

Monday, May 14, 2012

- #129-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of forty-five thousand dollars (\$45,000) from B.A.A. Marathon Receipts for the purpose of purchasing \$20,000 of Fibar and playground equipment to replace worn, defective, or unsafe playground equipment and parts and to purchase \$25,000 of playground equipment at Reverend Ford Playground and Emerson Playground. [04-30-12 @ 5:07 PM]

APPROVED 6-0 (Linsky, Ciccone not voting)

- #128-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of eleven thousand dollars (\$11,000) from Wage Reserve to the Planning Department's salaries account the sum of six thousand dollars (\$6,000) and to the Treasury Department's salaries account the sum of five thousand dollars (\$5,000). [04/30/12 @ 5:09 PM]

APPROVED 8-0

- #311-10(B2) HIS HONOR THE MAYOR requesting that Board Order #311-10(B) be amended by rescinding the forty thousand dollar (\$40,000) bond authorization and appropriating the forty thousand (\$40,000) from FY12 Free Cash for the purpose of funding design work for the Manet Road Emergency communications Equipment Building. [04-30-12 @ 3:46 PM]

APPROVED 8-0

- #367-10(C) HIS HONOR THE MAYOR requesting that Board Orders #367-10(B1), #367-10(B2A), #367-10(B2B), and #367-10(B2D) be amended as follows:

- Rescind the sum of \$375 from Board Order 367-10(B1)
- Rescind the sum of \$45 from Board Order 367-10(B2A)
- Rescind the sum of \$117 from Board Order #367-10 (B2B)
- Rescind the sum of \$194 from Board Order 367-10(B2D)

The bonds are issued in thousand dollar increments, consequently the above listed amounts were not included in the bond sale. [04-30-12 @ 3:46 PM]

APPROVED 8-0

#131-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of seventy-five thousand dollars (\$75,000) from the Fire Department's Salaries to Fire Department Expenses for the purpose of covering additional electrical and heating oil expenses as a result of the temporary Station #7 facility on Elliot Street. [04-30-12 @ 3:45 PM]

APPROVED 7-0 (Linsky not voting)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 3 ABSENT (Ald. Laredo, Merrill and Schwartz), 1 EXCUSED (Ald. Rice) TO TAKE THE FOLLOWING ACTION:

#130-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two thousand five hundred five dollars and seventy-two cents (\$2,505.72) from the Newton Highlands Veterans Memorial Account for the purpose of purchasing materials needed for the installation of irrigation lines on the Little League field at the Hyde Playground. [04-30-12 @ 3:45 PM]

APPROVED 6-0 (Linsky not voting, Rice excused)

A MOTION TO SUSPEND THE RULES TO ALLOW THE FOLLOWING LATE FILED ITEMS TO BE ACCEPTED TO THE DOCKET AND REFERRED TO COMMITTEE WAS APPROVED BY VOICE VOTE

REFERRED TO ZONING AND PLANNING

#162-12 THE ECONOMIC DEVELOPMENT COMMISSION requesting a one-year moratorium, starting immediately, where no bank shall be allowed to be built or opened for business on the ground floor of any building in any Business District within the city unless granted a Special Permit from the Board of Aldermen. [05-17-12 @ 4:18 PM]

REFERRED TO PROGRAMS & SERVICES COMMITTEE

#144-12 ALD. HESS-MAHAN proposing to repeal the time restrictions for filing special permit applications/site plan reviews for Major Projects during July and August in Article X Section 5 of the Rules and Orders of the Board of Aldermen.

REFERRED TO PROGRAMS & SERVICES COMMITTEE

#145-12 ALD JOHNSON requesting a review by the Solicitor's office as to what constitutes "reorganization" per our City Charter. [05/16/12 @ 10:24PM]

REFERRED TO PUBLIC FACILITIES COMMITTEE

- #149-12 JANE MADDOX petitioning for a sewer main extension to be constructed in DUFFIELD ROAD from an existing sewer manhole located in Duffield Road 195'+ southerly to a proposed sewer manhole in Duffield Road. (Ward 4) [05-15-12 @ 4:22 PM]
PETITIONER TO PAY ENTIRE COST

THE FOLLOWING PUBLIC HEARINGS WERE ASSIGNED:*Public hearing assigned for June 6, 2012:*

- #149-12 JANE MADDOX petitioning for a sewer main extension to be constructed in DUFFIELD ROAD from an existing sewer manhole located in Duffield Road 195'+ southerly to a proposed sewer manhole in Duffield Road. (Ward 4) [05-15-12 @ 4:22 PM]
PETITIONER TO PAY ENTIRE COST

Public Hearing assigned for June 12, 2012:

- #91-12(2) PHILLIP E. KRET & PINAR KILICCI-KRET/WILLIAM S. ALBERT & MONICA MITRA petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NON-CONFORMING USE and STRUCTURE to construct a rear addition at 111 PLEASANT STREET, Ward 6, Newton Centre, which requires in addition to the relief requested in petition #91-12, for which public hearing was opened and continued on May 15, 2012 to June 12, 2012, relief from the side yard setback requirements. Ref: Sec 30-15 Table 1 and 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing assigned for June 12, 2012:

- #134-12 DAVID PUNCH/B&E BEACON REALTY, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive 11 parking stalls required for a proposed 48-seat restaurant at 753A-753 BEACON STREET, Ward 6, on land known as SBL 61, 27, 20, 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.

Public Hearing assigned for June 12, 2012:

- #135-12 DINO ROSSI/MARY VISCO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE along the frontage, but not closer to the lot line, and increase the Floor Area Ratio from .31 to .57, where .48 is allowed by-right, at 258 NEVADA STREET, Ward 1, on land known as SBL 14, 8, 16, containing approximately 11,122 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing assigned for June 12, 2012:

#136-12 TERRY O'REILLY'S PUB, LLC & MIDDLE EAST FOOD SERVICES, LLC/PICCLANG, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXPAND A NONCONFORMING USE to increase the number of seats in an existing restaurant to 99 seats and to waive the 19 parking stalls required at 47-61 LANGLEY ROAD, Ward 6, Newton Centre, on land known as SBL 61, 36, 6, containing approximately 10,037 sq. ft. of land in a district zoned BUSINESS 1. Ref: Special Permit #167-02 and Sec 30-24, 30-23, 30-19(c)(2), (d)(13), and 30-19(m) and 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing assigned for June 19, 2012:

#349-06(3) CHANDRAJIT P. RAUT & SHILPA GROVER petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #349-06 for a rear lot subdivision at 11 Gray Birch Terrace, granted on March 5, 2007, to construct two retaining walls of four feet or more in height in the setback at 19 GRAY BIRCH TERRACE, Ward 2, on land known as SBL 24, 7, 9A, containing approximately 20,446 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing assigned for June 19, 2012:

#137-12 NSTAR ELECTRIC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a retaining wall greater than four feet in height in the setback in order to replace existing transformers and add additional accessory equipment at 48 ELLIOT STREET, Ward 5, Newton Upper Falls, on land known as SBL 51, 29, 38, containing approximately 158,000 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec 30-24, 30-23, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing assigned for June 19, 2012:

#138-12 BARBARA BYRNE & JOSEPH FLAHERTY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct three dormers in order to expand the living space on the third floor of an existing single-family dwelling at 85 CUMMINGS ROAD, Ward 2, Newton Centre, on land known as SBL 64, 3, 39, containing approximately 9,890 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15(t), (t)(1) and (t)(3) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing assigned for June 19, 2012:

#139-12 NED CHESTNUT HILL LLC/DANA J. KATZ, TRUSTEE for DK REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a freestanding sign and for a secondary principal sign for which the dimensional limits would be waived at 176 BOYLSTON STREET, Ward 7, Chestnut Hill, on land known as SBL 82, 2, 18, containing approximately 45,240 sq. ft. of land in a district zoned BUSINESS 1 and 4. Ref: Special Permit #505-98 and Sec 30-

24, 30-20(f)(1), (2), (9) and 30-20(l) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing assigned for June 19, 2012:

#83-12(2) BARBARA MASON petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a deck/landing/staircase of greater than 50 sq. ft. to provide a second means of egress to an existing legal accessory apartment and to waive associated landscape screening at 47 HANCOCK AVENUE, Ward 6, Newton Centre, on land known as SBL 64, 16, 19, containing approximately 33,299 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-8(d)(2) and (2)(b) and 30-8(d)(1)(h)

Public Hearing assigned for June 20, 2012:

#147-12 NATIONAL GRID petitioning for a grant of location to install and maintain a 50” H x 36” W x 17” D utility box (traffic box) at the HOMER STREET and GRAFTON STREET intersection at the existing regulator station. (Ward 6) [05/11/12 @ 2:14 PM]

Public Hearing assigned for June 20, 2012:

#148-12 NATIONAL GRID petitioning for a grant of location to install and maintain a 50” H x 36” W x 17” D utility box (traffic box) to be located on OAK STREET at the proposed regulator station at 81 Oak Street. (Ward 5) [05/11/12 @ 2:14 PM]