

CITY OF NEWTON

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, June 18, 2012

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

Absent: Ald. Fischman, Merrill and Swiston

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

REFERRED TO LAND USE COMMITTEE

The following petition was approved 5-1 (Hess-Mahan) in Committee on May 22; however, subsequent to the meeting the petitioner proposed slight revisions to the proposed dwelling and the item was held in committee at the June 4 Board of Aldermen meeting:

#93-12 TIMOTHY ADLER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a new single-family dwelling with a Floor Area Ratio of .45 where .39 is allowed by right at 35 NORWOOD AVENUE, Ward 6, Newton Centre, on land known as SBL 62, 1, 28, containing approximately 9,573 sq. ft. of land in a district zoned Single Residence 2. Ref: 30-24, 30-23, 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2007.

LAND USE APPROVED AS AMENDED 4-1 (Hess-Mahan) @.42 FAR

MOTION TO POSTPONE TO DATE CERTAIN OF JULY 9, 2012 WAS APPROVED 18 YEAS, 3 ABSENT (Ald. Fischman, Merrill, Swiston)

Clerk's Note: Debate both for and against this special permit petition was undertaken by a variety of Aldermen. The motion to postpone was made to allow those Aldermen not at the meeting to participate in the discussion on July 9, 2012.

REFERRED TO PUBLIC FACILITIES COMMITTEE

NOTE: *The Committee approved the following item with an emergency preamble pursuant to Sec. 2-9 of the City of Newton Charter, which requires a separate two-thirds vote by the Board. Public Hearing*

#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 FACILITIES APPROVED 7-0**

MOTION TO POSTPONE TO DATE CERTAIN OF JULY 9, 2012 WAS APPROVED BY VOICE VOTE

Clerk's Note: The Aldermen from Ward 4 had been in contact with the petitioner. They were notified that the Engineering Department provided the petitioner with new information and an alternative plan to remedy the situation. The Ward 4 Aldermen asked for the postponement to give the petitioner more time to consider the options.

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

THE FOLLOWING ITEM WAS LAID ON THE TABLE ON JUNE 4, 2012:

A MOTION TO SUSPEND THE RULES TO TAKE THE ITEM FROM THE TABLE WAS APPROVED BY VOICE VOTE

REFERRED TO THE RECODIFICATION COMMITTEE

#173-12 AD HOC COMMITTEE on RE-CODIFICATION transmitting for Aldermanic approval and acceptance the re-codified text of the City of Newton Revised Ordinances, 2012.

RECODIFICATION COMMITTEE APPROVED 2-0

REFERRED TO LAND USE COMMITTEE

Tuesday, June 12, 2012

#91-12 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, increasing the Floor Area Ratio from .72 to .76; maximum lot coverage from 32.5% to 33.4%; decreasing open space from 49% to 48%, on an existing two-unit condominium at 111 PLEASANT STREET, Ward 6, Newton Centre, on land known as SBL 64, 30, 16 and 16A, containing approximately 5,628 sq. ft. of land in a district zoned Single Residence 2. Ref: 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

#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 a public hearing was opened and continued on May 15, 2012 to June 12, 2012, relief from the side yard setback requirements. Ref: Sec 30-21(a)b, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

HEARING CLOSED; LAND USE APPROVED 5-0 (Merrill not voting)

#118-12 ZORI & INBAL ROBINOVITZ petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a new single-family dwelling with a Floor Area Ratio of .28 where .26 is allowed by-right at 150 COUNTRYSIDE ROAD, Ward 8, on land known as SBL 83, 36, 39, containing approximately 25,000 sq. ft. of land in a district zoned Single Residence 1. Ref: Sec 30-24, 30-23, 30-15(u) of the City of Newton Rev Zoning Ord, 2007.

HEARING CLOSED

#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-755 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.

HEARING CLOSED; LAND USE APPROVED 5-0 (Merrill not voting)

#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.

HEARING CLOSED; LAND USE APPROVED 5-0 (Merrill not voting)

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, June 6, 2012

Appointment by his honor the Mayor:

#124-12 MARJORIE BUTLER, 33 Andrew Street, Newton Highlands, appointed as a member of the Election Commission for a term of office to expire March 31 2013. [04-30-2012 @ 6:43PM]

PROGRAMS & SERVICES APPROVED 6-0

Public hearing was opened on May 23, 2012 and continued to June 6:

#123-12 CAROLYN WONG et al. filing with the City Clerk on April 24, 2012 a Neighborhood Area Council Petition, with 255 qualified signatures, pursuant to article 9-3 of the City Charter, requesting the Board of Aldermen to hold a public hearing to establish a Newton Centre Neighborhood Area Council. [04-24-12 @ 2:33PM]

WITHDRAWN BY PETITIONERS

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, June 6, 2012

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

- #172-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of fifty-five thousand dollars (\$55,000) from Fire/Rescue Overtime for the purpose of funding the purchase of workforce scheduling, communications-based software for the Fire Department. [05/29/12 @ 5:20 PM]
FINANCE APPROVED 8-0 on 06/11/12
PUBLIC SAFETY APPROVED 6-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, June 6, 2012

- #126-12 HIS HONOR THE MAYOR requesting that a portion of CHRISTINA STREET be laid out, graded, and accepted as a PUBLIC WAY from Needham Street to the property line at 90 Christina Street, (a distance of 1,020') to be the width of 40'. (Ward 8) [04-30-12 @ 5:09 PM]
PUBLIC FACILITIES APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #144-05(3) COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of one hundred thirty-four thousand dollars (\$134,000) to the Department of Public Works for specifications and construction to restore the City-owned Civil War Monument located in Newton Cemetery, as described in the proposal submitted by the Department of Public Works Engineering Division and the Planning and Development Department. [04/30/12 @ 11:53 AM]
FINANCE APPROVED 7-0 (Linsky not voting) on 06/11/12
PUBLIC FACILITIES APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #160-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of four million two hundred thirty-nine thousand eight hundred seventy-eight dollars (\$4,239,878) from bonded indebtedness for the purpose of funding Phase 1 (Project Area 1) of the proposed 11-year Underground Infrastructure Strategic Improvement Plan as prepared by the Utilities Division. [05/14/12 @ 4:05 PM]
FINANCE APPROVED 7-0 (Linsky not voting) on 06/11/12
PUBLIC FACILITIES APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#133-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of sixty-seven thousand one hundred thirty-six dollars (\$67,136) from the Water Enterprise Funds to the Mass Water Resource Authority Assessment as follows:

- \$40,000 from Work by Other Departments
- \$20,000 from Hydrants & Hydrant Parts
- \$7,136 from Current Year Reserve [04/30/12 @ 5:08 PM]

FINANCE APPROVED 7-0 (Linsky not voting) on 06/11/12

PUBLIC FACILITIES APPROVED 7-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Monday, June 11, 2012

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#115-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of six million seven hundred fifty thousand dollars (\$6,750,000) from bonded indebtedness for the purpose of funding construction and administration of renovations and additions to F.A. Day Middle School. [04-09-12 @ 3:40 PM]

FINANCE APPROVED 8-0 on 06-11-12

PUBLIC FACILITIES APPROVED 7-0 (Danberg not voting)

REFERRED TO FINANCE COMMITTEE

Monday June 11, 2012

#171-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of thirty thousand dollars (\$30,000) from Fire Department Full Time Salaries to Computer Server Hardware for the purpose of purchasing hardware associated with the Fire Department scheduling software. [05/29/12 @ 5:20 PM]

FINANCE APPROVED AS AMENDED 8-0

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

#172-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of fifty-five thousand dollars (\$55,000) from Fire/Rescue Overtime for the purpose of funding the purchase of workforce scheduling, communications-based software for the Fire Department. [05/29/12 @ 5:20 PM]

PUBLIC SAFETY APPROVED 6-0 on 06/06/12

FINANCE APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#115-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of six million seven hundred fifty thousand dollars (\$6,750,000) from bonded indebtedness for the purpose of funding construction and administration of renovations and additions to F.A. Day Middle School. [04-09-12 @ 3:40 PM]

PUBLIC FACILITIES APPROVED 7-0 (Danberg not voting) on 06/11/12

FINANCE APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #144-05(3) COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of one hundred thirty-four thousand dollars (\$134,000) to the Department of Public Works for specifications and construction to restore the City-owned Civil War Monument located in Newton Cemetery, as described in the proposal submitted by the Department of Public Works Engineering Division and the Planning and Development Department. [04/30/12 @ 11:53 AM]
PUBLIC FACILITIES APPROVED 7-0 on 06/06/12
FINANCE APPROVED 7-0 (Linsky not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #160-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of four million two hundred thirty-nine thousand eight hundred seventy-eight dollars (\$4,239,878) from bonded indebtedness for the purpose of funding Phase 1 (Project Area 1) of the proposed 11-year Underground Infrastructure Strategic Improvement Plan as prepared by the Utilities Division. [05/14/12 @ 4:05 PM]
PUBLIC FACILITIES APPROVED 7-0 on 06/06/12
FINANCE APPROVED 7-0 (Linsky not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #133-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of sixty-seven thousand one hundred thirty-six dollars (\$67,136) from the Water Enterprise Funds to the Mass Water Resource Authority Assessment as follows:
- \$40,000 from Work by Other Departments
 - \$20,000 from Hydrants & Hydrant Parts
 - \$7,136 from Current Year Reserve [04/30/12 @ 5:08 PM]
- PUBLIC FACILITIES APPROVED 7-0 on 06/06/12**
FINANCE APPROVED 7-0 (Linsky not voting)

THE FOLLOWING ITEM WAS FILED AFTER THE CLOSE OF THE DOCKET AND REQUIRED A SUSPENSION OF THE RULES TO BE REFERRED TO COMMITTEE:

REFERRED TO PUBLIC FACILITIES COMMITTEE

- #181-12 COMCAST petitioning for a grant of location to install 1,055' \pm of 4" conduit in WELLS AVENUE in a southerly direction from the existing Comcast vault located on the south side of Wells Avenue to a proposed 3 x 3 manhole located in front of the entrance to 57 Wells Avenue then continuing 280' \pm southerly to a proposed 3 x 3 manhole in front of the parking area at 57 Wells Avenue and continuing southerly 335' \pm to a proposed manhole in front of 75-95 Wells Avenue. [06/13/12 @ 4:32 PM]

MOTION TO ALLOW THE REAL PROPERTY REUSE COMMITTEE TO REPORT THE FOLLOWING TWO ITEMS WITHOUT A WRITTEN REPORT WAS APPROVED BY VOICE VOTE:

#287-11(2) PRESIDENT LENNON & HIS HONOR THE MAYOR appointing the following members to a Joint Advisory Planning Group to make recommendations on the future use of the land and building currently housing the Health Department at 1294 Centre Street, Newton Centre, Ward 6:

Aldermanic appointees:

Warren Brown	275 Grove Street, Auburndale
Peter Lew	61 West Pine Street, Auburndale
George Mansfield	312 Lake Avenue, Newton Highlands
John Sisson	45 Greenlawn Avenue, Newton Centre
Maurya Sullivan	19 Brentwood Avenue, Newton Centre
Beth Wilkinson	14 Trowbridge Street, Newton Centre
Carolyn Wong	20 Norwood Avenue, Newton Centre

Mayoral appointees:

Don Tellalian	19 Crystal Street, Newton Centre
Ben Tucker	12 Nathan Road, Newton Centre
Sarah Luria	38 Garland Road, Newton Centre
Loren Balsam	799 Commonwealth Ave, Newton Centre
Nino Micozzi	14 Huntington Road, Newton
Norman Sirk	94 Herrick Road, Newton Centre
Trudy Reilly	21 Bradford Road, Newton Highlands

REAL PROPERTY REUSE APPROVED 5-0

#384-11(2) PRESIDENT LENNON & HIS HONOR THE MAYOR appointing the following members to a Joint Advisory Planning Group to make recommendations on the future use of the land and building at 70 Crescent Street, which formerly housed the Parks & Recreation Department, Auburndale, Ward 3:

Aldermanic appointees

Angelo Conti	16 Robinhood Street, Auburndale
Edward Hadro	60 Robinhood Street, Auburndale C
Catherine Mazzola	79 Crescent Street, Auburndale
Richard Sewall	83 Aspen Avenue, Auburndale
David Snieckus	99 Crescent Street, Auburndale
Thomas Turner	60 Wyoming Road, Newtonville

Mayoral appointees

Mark Armstrong	61 Vaughn Avenue, Newton Highlands
Andrea Kelley	28 Putnam Street, West Newton
Eurnice Kim	147A Crafts Street, Newtonville
Jim Miller	67 Bourne Street, Auburndale
James Robertson	30 Trowbridge Avenue, Newtonville
Lawrence Schwirian	7 Williston Road, Auburndale

REAL PROPERTY REUSE APPROVED 5-0

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public Hearing was assigned for June 20, 2012:

#188-12 NATIONAL GRID petitioning for a grant of location to install and maintain 52' ± of 4" gas main in CARLSON AVENUE at Dorothy Road southerly to Appleton Circle and 282" ± of 4" gas main in APPLETON CIRCLE from the proposed 4" gas main in Carlson Avenue westerly to 25 Appleton Circle. Ward 8 [06/05/12 @ 2:09 PM]

Public Hearing was assigned for June 20, 2012:

#179-12 GERALD McDADE, Trustee of the Waltham Street Funding Trust which owns 371 Waltham Street, petitioning for Construction of a Common Sewer and Water Main in PRINCESS ROAD EXTENSION, a proposed subdivision road, the proposed sewer will extend from the existing services on Princess Road easterly 40' ± towards Waltham Street and the Water Main will extend from the existing service in Princess Road 250' ± easterly to the existing water main in Waltham Street. (Ward 3) [06/11/12 @ 4:29 PM]
PETITIONER TO PAY ENTIRE COST

Public Hearing was assigned for June 20, 2012:

#180-12 VERIZON NEW ENGLAND petitioning for a grant of location to install one pole, Pole 358/1-A, on PLEASANT STREET 60' ± westerly from Centre Street. (Ward 6) [06/11/12 @ 4:00 PM]

Public hearing assigned for July 9, 2012:

#181-12 COMCAST petitioning for a grant of location to install 1,055' ± of 4" conduit in WELLS AVENUE in a southerly direction from the existing Comcast vault located on the south side of Wells Avenue to a proposed 3 x 3 manhole located in front of the entrance to 57 Wells Avenue then continuing 280' ± southerly to a proposed 3 x 3 manhole in front of the parking area at 57 Wells Avenue and continuing southerly 335' ± to a proposed manhole in front of 75-95 Wells Avenue. [06/13/12 @ 4:32 PM]

Public Hearing was assigned for July 10, 2012:

#174-12 ELLIOT SCHILDKROUT & TERRY ROSENBERG petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a detached garage within the front setback and to allow a dormer wider than 50% of the length of the exterior wall of the story next below at 164 CHESTNUT STREET, Ward 3, West Newton, on land known as SBL 32, 45, 14, containing approximately 15,085 sq. ft. of land in a district zoned Single Residence 1. Ref: Sec 30-24, 30-23, 30-15(m)(1), 30-15 Table 1, 30-15(t) and (t)(1) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing was assigned for July 10, 2012:

#175-12 KF REALTY ASSOCIATES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a CHANGE IN NONCONFORMING USE to locate a 92-seat

restaurant in a portion of an existing legally nonconforming retail storefront at 148 CALIFORNIA STREET, Ward 1, NONANTUM and 171 WATERTOWN STREET, Watertown, on land known as SBL 11, 12, 11, containing a total of approximately 523,642 sq. ft. of land in a district zoned Manufacturing. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing was assigned for July 10, 2012:

#176-12 WALGREEN'S REAL ESTATE/WABAN-1332 LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 3,736 sq. ft. addition onto an existing building, to install new signage and façade, to and modify the existing parking lot at 1099-1101 BEACON STREET, 871 and 875 WALNUT STREET Ward 6, on land known as Sec. 64, Blk. 3, Lots 10, 11 and 12, containing approximately 43,922 sq. ft. of land in a district zoned Business 2. Ref: Sec 30-24, 30-23, 30-20(f)(1) and (2), 30-20(1), 30-11(j)(3), 30-19(j)(2) and (3) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing was assigned for July 10, 2012:

#177-12 COPLEY MANAGEMENT & DEVELOPMENT CORP. for NEWTON 457 LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NONCONFORMING STRUCTURE and USE to allow the expansion of an existing nonconforming multi-family dwelling use from 24 to 25 units, including an expansion of nonconformity re lot area per unit; extension of a nonconforming structure in the side setback; increase in the nonconforming lot coverage; a decrease in the nonconforming amount of open space; and, to allow a parking facility partially located on a different lot than the principal use served; to waive parking stall dimensional requirements; and to waive two parking stalls at 457 CENTRE STREET, Ward 1, Newton Corner, on land known as SBL 12, 13, 12, containing approximately 9,457 sq. ft. of land in a district zoned Multi Residence 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-9(d)(1), 30-15 Table 1, 30-19(d)(2), 30-19(f)(1) and (2), 30-19(g), 30-19(m) of the City of Newton Rev Zoning Ord, 2007