

REPORTS DOCKET

June 19: Land Use Continued
June 20: Programs & Services; Public Safety & Transportation; Public Facilities Page 147
June 25: Finance; Zoning & Planning Monday, June 18, 2012
7:45 PM, Newton City Hall
To be reported on
MONDAY, JULY 9, 2012

CITY OF NEWTON

IN BOARD OF ALDERMEN

UNFINISHED BOARD BUSINESS

Item postponed on June 18 to date certain of July 9, 2012:

#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 on 06/05/12

Item postponed on June 18 to date certain of July 9, 2012:

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.

#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)
PETITIONER TO PAY ENTIRE COST
PUBLIC FACILITIES APPROVED 7-0 on 06/06-12

REFERRED TO LAND USE COMMITTEE

Tuesday, June 19, 2012

Present: Ald. Hess-Mahan (Chairman), Ald. Albright, Merrill, Harney, Laredo, Schwartz, Crossley; absent: Ald. Fischman

Public Hearings were held on the following items:

#349-06(3) CHANDRAJIT P. RAUT & SHILPA GROVER petition to AMEND THE s SITE PLAN APPROVED in special permit #349-06 for a rear lot subdivision at 11 Gray Birch Terrace, granted on March 5, 2007, in order to construct two retaining walls 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.
HEARING CLOSED; APPROVED 7-0 – *Site Plan Approval requires only a majority vote of those present and voting, not a two-thirds vote.*

- #137-12 NSTAR ELECTRIC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a retaining wall of four feet or more 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.
HEARING CLOSED; HELD 7-0
- #138-12 BARBARA A. BYRNE & JOSEPH E. FLAHERTY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct three dormers to expand the third-floor living space 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.
HEARING CLOSED; APPROVED 7-0
- #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, 30-23, 30-20(f)(1), (2), (9) and 30-20(l) of the City of Newton Rev Zoning Ord, 2007.
HEARING CONTINUED TO JULY 10, 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 for 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)
HEARING CLOSED; APPROVED 7-0
- REFERRED TO ZONING AND PLANNING COMMITTEE**
Monday, June 25, 2012
- Present: Ald. Johnson, Danberg, Lennon, Baker, Sangiolo, Yates, Swiston; absent: Ald. Kalis; also present: Ald. Crossley, Hess-Mahan, Albright
- #162-11 ALD. YATES requesting a report from the Director of Planning and Development on the status of the update of the *Open Space and Recreation Plan*, particularly as it pertains to the Charles River Pathway. [05/12/11 @ 10:16AM]
NO ACTION NECESSARY 6-0 (Danberg not voting)

#150-09(3) ALD. ALBRIGHT, JOHNSON, LINSKY proposing that a parcel of land located in Newtonville identified as Section 24, Block 9, Lot 15, containing approximately 74,536 square feet of land, known as the Austin Street Municipal Parking Lot, currently zoned Public Use, be rezoned to Business 4. [12/10/10 @9:21AM]
HELD 7-0

#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.
HELD 6-0 (Baker not voting)

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, June 20, 2012

Present: Ald. Sangiolo, Blazar, Linsky, Hess-Mahan, Merrill, Rice; absent: Ald. Baker, Fischman; also present: Ald. Johnson, Crossley, Fuller

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#184-12 HIS HONOR THE MAYOR requesting the establishment of four revolving accounts for both FY12 and FY13 as follows:

<u>Account Title</u>	<u>Effective Date</u>	<u>Spending Limit</u>
High School Student Activity	07/01/11	\$350,000
Middle School Student Activity	07/01/11	\$100,000
High School Drama	07/01/11	\$100,000
All City Band, Chorus & Orchestra	07/11/11	\$100,000

These accounts will be used for the deposit of revenue to offset costs associated with student activities, high school drama and All City Music. [06/11/12 @5:51 PM]

HELD 6-0 – ON 6/20/12 SEE PAGE 154 FOR VOTE ON 6/25/12

#205-11 ALD. SANGIOLO, GENTILE, HARNEY, LINSKY requesting a discussion with the School Committee regarding a proposal to enter into contractual relationships with the Newton Schools Foundation to sell naming rights on behalf of the Newton Public Schools. [06/22/2011 @ 8:32AM]
HELD 6-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#39-12 HIS HONOR THE MAYOR requesting authorization to establish a revolving account with an annual expenditure limit of \$2,000,000 for the purpose of receiving funds collected by the Newton Schools Foundation in connection with the sale of naming rights for Newton Public School buildings and facilities and to be distributed for the sole purpose of public school education technology and curriculum purposes. [01/30/12 @ 4:18 PM]
HELD 6-0

#165-12 HIS HONOR THE MAYOR submitting (1) the report prepared by Kopelman & Paige PC, the consultant engaged to review the city's election procedures, and (2) proposing that Charter Sections 2-1(b) and 4-1(b) be amended to establish a particular date by which nomination papers are made available. [05/25/2012 @ 1:35PM]

HELD 6-0

#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]

HELD 6-0

#122-12 ALD. HESS-MAHAN proposing a RESOLUTION calling on the United States Congress to pass and send to the states for ratification a constitutional amendment to restore the First Amendment and fair elections to the people by clarifying (1) that corporations are not entitled to the Constitutional rights of human beings, and, (2) that the U.S. Congress and the states may place reasonable limits on both political contributions and political spending.

APPROVED 6-0

#84-12(2) PROGRAMS AND SERVICES COMMITTEE proposing a resolution to allow the Board of Aldermen to provide guidance to the Licensing Commission on petitions submitted in response to the possible acceptance of G.L. c. 138 §33B, which would allow the selling of alcohol to commence at 10:00am on Sunday mornings. [04-11-12 @ 9:30PM]

NO ACTION NECESSARY 6-0

REFERRED TO PROG. & SERV AND PUBLIC FACILITIES COMMITTEES

#36-12 ALD. CROSSLEY & FULLER requesting Home Rule legislation or an ordinance to require inspections of private sewer lines and storm water drainage connections prior to settling a change in property ownership, to assure that private sewer lines are functioning properly and that there are no illegal storm water connections to the city sewer mains.

A) Sewer lines found to be compromised or of inferior construction would have to be repaired or replaced as a condition of sale;

B) Illegal connections would have to be removed, corrected, and re-inspected in accordance with current city ordinances and codes, as a condition of sale.

[01/24/12 @ 8:07 AM]

HELD 5-0 (Linsky not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, June 20, 2012

Present: Ald. Ciccone (Chairman), Harney, Johnson, Swiston, Yates, Fuller, Schwartz and Kalis
 Also present: Ald. Linsky, Lennon, Albright and Danberg

- #417-11 ALD. JOHNSON requesting a discussion with the Department of Transportation regarding sound barriers along the Turnpike. [12/07/11 @ 9:29 PM]
NO ACTION NECESSARY 6-0 (Swiston, Fuller not voting)
- #166-12 BOSTON COACH TRANSPORTATION request for annual renewal of the Boston College Bus Licenses.
APPROVED 7-0 (Kalis recused)
- #167-12 POLICE DEPARTMENT submitting reports of semi-annual taxi license/public auto inspections for review. [05/21/12 @ 3:48 PM]
APPROVED 8-0

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #186-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of ten thousand dollars (\$10,000) from Executive Department Salaries to the Police Gasoline Account for the purpose of covering the Police Department's gasoline needs through the end of the year and transfer the sum of fifty thousand dollars (\$50,000) from Executive Department Salaries to the Police Department's Overtime Account. [06/11/12 @ 5:51 PM]
FINANCE APPROVED 5-0 (Lappin not voting) on 06/25/12
APPROVED 7-0 (Harney not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION & FINANCE COMMITTEES

- #363-10(2) ALD. ALBRIGHT proposing a trial of parking meter free Saturdays between Thanksgiving and New Year for the shopping areas to support shopping at local businesses in Newton. [02/10/12 @ 9:13 AM]
HELD 7-0 (Johnson not voting)
- #279-10 ALD. JOHNSON, ALBRIGHT & LINSKY, requesting the development of a comprehensive traffic and parking plan for the Newton North High School neighborhood with the following streets as its borders: Commonwealth Avenue, Washington, Harvard and Valentine Streets. This plan to be completed by November 30, 2010 will include a fix to short term (immediate needs) and longer term needs to effectively manage the traffic circulation within the neighborhood, provide pedestrian and vehicular safety, and preserve quality of life for the neighborhood, school staff and faculty. [10/06/10 @ 12:33 PM]
HELD 6-0 (Harney, Swiston not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, June 20, 2012

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

- #168-12 NSTAR ELECTRIC petitioning for a grant of location to install one new manhole and total of 932'± of conduit in the following locations in COLLEGE ROAD:
- Install 205'± of conduit in a northeasterly direction from existing Manhole 22637 located 240' southwest of Quincy Road .
 - Install 727'± of conduit in a northeasterly direction beginning at a point 75' northeast of Quincy Road.
 - Install one new manhole in College Road to be located in front of 72 College Road. (Ward 7) [05/21/12 @ 3:30 PM]

APPROVED 6-0 (Lennon not voting)

- #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)

PETITIONER TO PAY ENTIRE COST

APPROVED 6-0 (Lennon not voting)

- #169-12 NATIONAL GRID petitioning for a grant of location to install and maintain 100'± of 4" gas main in CARLSON AVENUE, from the existing 4" gas main at House #20 southerly to Dorothy Road and 300'± of 4" gas main in DOROTHY ROAD from the proposed 4" gas main at Carlson Avenue to 34 Dorothy Road. (Ward 8)

APPROVED 6-0 (Lennon not voting)

- #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

APPROVED 5-0 (Albright, Lennon not voting)

- #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)

APPROVED 5-0 WITH CONDITIONS (Albright, Lennon not voting)

- #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)
APPROVED 5-0 (Albright, Lennon not voting)
- #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)
APPROVED SUBJECT TO SECOND CALL 5-0-2 (Albright and Lennon abstaining)
- #182-12 HIS HONOR THE MAYOR requesting roadway improvements at the intersection of Centre Street at Beacon Street and Cypress Street to be funded through the Mass Works Infrastructure Grant.
APPROVED 4-2 (Lappin, Salvucci opposed; Albright not voting)
- #174-11 ALD. DANBERG & BLAZAR requesting a raised device on Cypress Street near Bow Road recommended by the Traffic Engineer and approved by the Traffic Council (TC22-11) on May 26, 2011.
DENIED 5-1 (Lennon opposed; Albright not voting)
- #173-11 ALD. DANBERG AND BLAZAR requesting a raised crosswalk on Cypress Street in the vicinity of 280 Cypress Street, in association with modifications to the Bowen Elementary School entrance, as approved on May 26, 2011 in Traffic Council (TC20-11), and to be paid for through MassDOT’s Safe Routes to School Infrastructure Program. [05-27-11 @ 10:53 AM]
APPROVED 5-1 (Salvucci opposed; Albright not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #114-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of three hundred thousand dollars (\$300,000) from bonded indebtedness for the purpose of funding Phase I of a multi-phase project for energy efficiency upgrades at multiple buildings. [04-09-12 @ 7:04 PM]
FINANCE APPROVED AS AMENDED (Lappin not voting) on 06/25/12
APPROVED AS AMENDED 6-0 @\$500,000 (Albright not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #108-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of three hundred twenty thousand dollars (\$320,000) from bonded indebtedness for the purpose of funding design and Phase I construction and administration for replacement of a portion of the roof and repair of exterior masonry at the welding shop at the Crafts Street Garage. [04-09-12 @ 3:40 PM]
FINANCE TO MEET
APPROVED AS AMENDED 6-0 @ \$260,000 (Albright not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #107-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred fifty-two thousand dollars (\$252,000) from bonded indebtedness for the purpose of funding the design and repair of masonry and related surfaces at the Public Works Utilities Building. [04-09-12 @ 3:40 PM]
FINANCE APPROVED AS AMENDED 4-0 (Lappin Linsky not voting) on 06/25/12
APPROVED AS AMENDED 5-0 (Albright, Crossley not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #104-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of three hundred thousand dollars (\$300,000) from bonded indebtedness for the purpose of design and installation of an accessible ramp and renovations to the City Hall Veterans' Wing. [04-09-12 @ 2:48 PM]
FINANCE APPROVED 4-0 (Lappin Linsky not voting) on 06/25/12
APPROVED 5-0 (Albright, Crossley not voting)

REFERRED TO FINANCE COMMITTEE

Monday June 25, 2012

Present: Ald. Gentile (Chairman), Ciccone, Linsky, Salvucci, Rice, and Lappin; absent: Ald. Blazar and Fuller;
 Programs & Services members present: Ald. Sangiolo (Chairman), Fischman, Hess-Mahan, Linsky, and Rice; absent: Ald. Baker, Blazar, Merrill; also present: Ald. Crossley and Lennon

The Committee met jointly to discuss the following item:

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #184-12 HIS HONOR THE MAYOR requesting the establishment of four revolving accounts for both FY12 and FY13 as follows:

<u>Account Title</u>	<u>Effective Date</u>	<u>Spending Limit</u>
High School Student Activity	07/01/11	\$350,000
Middle School Student Activity	07/01/11	\$100,000
High School Drama	07/01/11	\$100,000
All City Band, Chorus & Orchestra	07/11/11	\$100,000

These accounts will be used for the deposit of revenue to offset costs associated with student activities, high school drama and All City Music.

PROGRAMS & SERVICES APPROVED 3-0-2 (Hess-Mahan and Sangiolo abstaining)
APPROVED 6-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #85-12 ALD. LENNON & LAPPIN requesting a review and possible ordinance amendment to review and adjust the salary of the Clerk Clerk/Clerk of the Board of Aldermen pursuant to Article XI of the *Rules and Orders of the Board of Aldermen 2012-2013*
PROGRAMS & SERVICES APPROVED 7-0 on 06/06/12
APPROVED 6-0

- #183-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of twelve thousand five hundred dollars (\$12,500) from B.A.A. Marathon Receipts for the purpose of funding 50% of the cost to replace existing sand with fibar at Memorial Spaulding School play area. *Note: FY13 Appropriation*
APPROVED 6-0

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

- #78-12 HIS HONOR THE MAYOR proposing amendments to Sections 19-9 and 19-199 of the City of Newton Revised Ordinances, 2007 to increase the penalties for handicap parking violations in Section 19-9 and to clarify that handicap parking violation penalties apply not only to spaces on public ways but also to handicap spaces on private property open to public access in accordance with Section 19-199; to update language in Section 19-199 regulating minimum width of handicap spaces; to add language pertaining to cross-hatch areas as required by state law; and to reference governing Architectural Access Board regulations.
PUBLIC SAFETY APPROVED 7-0 on 05/23/12
APPROVED 5-0 (Lappin not voting)

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #186-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of ten thousand dollars (\$10,000) from Executive Department Salaries to the Police Gasoline Account for the purpose of covering the Police Department's gasoline needs through the end of the year and transfer the sum of fifty thousand dollars (\$50,000) from Executive Department Salaries to the Police Department's Overtime Account. [06/11/12 @ 5:51 PM]
PUBLIC SAFETY APPROVED 7-0 (Harney not voting) on 06/20/12
APPROVED 5-0 (Lappin not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #114-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of three hundred thousand dollars (\$300,000) from bonded indebtedness for the purpose of funding Phase I of a multi-phase project for energy efficiency upgrades at multiple buildings. [04-09-12 @ 7:04 PM]
PUBLIC FACILITIES APPROVED 6-0 AS AMENDED @\$500,000 on 06/20/12
APPROVED AS AMENDED 5-0 (Lappin not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #107-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred fifty-two thousand dollars (\$252,000) from bonded indebtedness for the purpose of funding the design and repair of masonry and related surfaces at the Public Works Utilities Building. [04-09-12 @ 3:40 PM]
PUBLIC FACILITIES APPROVED AS AMENDED on 06/20/12
APPROVED AS AMENDED 4-0 (Lappin, Linsky not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #104-12 **HIS HONOR THE MAYOR** requesting authorization to appropriate the sum of three hundred thousand dollars (\$300,000) from bonded indebtedness for the purpose of design and installation of an accessible ramp and renovations to the City Hall Veterans' Wing. [04-09-12 @ 2:48 PM]
PUBLIC FACILITIES APPROVED 5-0 on 06/20/12
APPROVED 4-0 (Lappin, Linsky not voting)

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