

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, December 17, 2012

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

Absent: Ald. Kalis and Merrill

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 2 ABSENT, UNLESS NOTED OTHERWISE, TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

Tuesday, December 4, 2012

- #212-12 MICHAEL SOKOLOWSKI, TRUSTEE of 1081 WASHINGTON STREET REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXPAND a NONCONFORMING STRUCTURE to waive 8 2 parking stalls; to locate parking within the side setback; to waive associated lighting, surfacing, and maintenance requirements for parking facilities of greater than 5 stalls; ~~to waive the one required loading dock; and to extend a nonconforming structure as to yard and setback and to extend a nonconforming structure with regard to height or alternatively for a structure in excess of 24 feet in height~~ in order to construct a new two-story building for retail use at 1081 WASHINGTON STREET, Ward 3, West Newton, on land known as SBL 31, 9, 6, containing approximately 8,736 square feet of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 3, 30-19(c), (d)(1), (d)(10), (h)(1), (l), (j), and (m) of the City of Newton Rev Zoning Ord, 2012.
APPROVED AS AMENDED 6-0 (Schwartz not voting)
- #305-12 STEPHEN GUILLETTE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE by replacing an existing rear deck with a mudroom addition and to locate two dimensionally non-compliant 9’x18’ parking stalls in the front setback and closer than five feet at 29 BREWSTER Road, Ward 5, Newton Highlands, on land known as SBL 54, 10, 13, containing approx. 5,176 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 1, 30-19(g)(1) and (2) and 30-19(m) of the City of Newton Rev Zoning Ord, 2012. .
APPROVED 6-0-1 (Schwartz abstaining)

REFERRED TO LAND USE AND FINANCE COMMITTEES

- #413-12 **COMMUNITY PRESERVATION COMMITTEE** recommending that the sum of two hundred fifty-five thousand dollars (\$255,000) be appropriated from the Community Preservation Act Fund, to the control of the Planning and Development Department for the purpose of supporting a project that will create two units of perpetually affordable rental housing at 54 Eddy Street West Newton, as described in the proposal and supporting materials submitted by Citizens for Affordable Housing in Newton Development Organization (CAN-DO).

[11/20/12 @ 9:19 AM]

FINANCE APPROVED 6-0 on 12/10/12

APPROVED 7-0

2013 Auto Dealer Licenses

- #361-12 CLAY NISSAN OF NEWTON, INC.
431 Washington Street
Newton Corner 02458 (Class 1)

APPROVED 7-0

- #362-12 VILLAGE MOTORS GROUP, INC.
d/b/a HONDA VILLAGE
371 Washington Street (Class 1)
Newton Corner 02458

APPROVED 7-0

- #364-12 AUTO EUROPA, INC.
38 Ramsdell Street
Newton Highlands 02461 (Class 2)

APPROVED 7-0

- #368-12 GLOBAL VENTURES GROUP
d/b/a LUX AUTO PLUS
1197-1201 Washington Street
West Newton 02465 (Class 2)

APPROVED 7-0

- #369-12 JACOB & ASSOCIATES
1232 Washington Street
West Newton 02465 (Class 2)

APPROVED 7-0

- #371-12 LIFT THROTTLE AUTOMOTIVE
26 Shepherd Park
Waban 02468 (Class 2)

APPROVED 7-0

- #374-12 NEWTON AUTO GROUP, INC.
1235 Washington Street
West Newton 02465 (Class 2)

APPROVED 7-0

- #378-12 OLD TIME GARAGE LTD.
1960 Washington Street
Newton Lower Falls 02462 (Class 2)
APPROVED 7-0
- #381-12 REGAN'S INC.
2066 Commonwealth Avenue
Auburndale 02466 (Class 2)
APPROVED 7-0
- #382-12 ROBERT'S TOWING, INC.
926r Boylston Street
Newton Highlands 02461
APPROVED 7-0
- #384-12 SAM'S AUTO CENTER
875 Washington Street
Newtonville 02460 (Class 2)
APPROVED 7-0
- #385-12 CITY OF NEWTON
1000 Commonwealth Avenue 02459 (Class 2)
APPROVED 7-0
- #386-12 ECHO BRIDGE SALVAGE, INC.
16-24 Maguire Court
Newtonville 02460 (Class 2 and 3)
APPROVED 7-0
- #387-12 SCHIAVONE BROTHERS, INC.
16-24 Maguire Court
Newtonville 02460 (Class 2 and 3)
APPROVED 7-0

REFERRED TO LAND USE COMMITTEE

Tuesday, December 11, 2012

A public hearing was opened and closed on the following item:

- #277-10(3) **JENNIE MARIE ONE LLC/JENNIE MARIE TWO LLC** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing single-family dwelling and construct a multi-family dwelling containing a total of nine 2-bedroom units (three units per floor), with the first floor units adaptable under the Massachusetts Architectural Access Code, and parking to the rear (accessed by Cottage Court) at 152 ADAMS STREET, Ward 1, Nonantum on land known as SBL 14, 14, 33, containing ≈14,532 sq. ft. of land in districts zoned BUSINESS 1 and BUSINESS 2.

HEARING CLOSED

- #306-12 EVELYN P. GREENSPAN TRUST, PAUL I. FEINBERG, TRUSTEE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive the dimensional requirements, lighting, curbing, surface and maintenance requirements for an existing nonconforming 18-stall parking facility ~~or alternatively to waive the required five additional parking stalls required~~ for a change of use at 35-41 LINCOLN STREET, Ward 5, Newton Highlands, on land known as SBL 52, 8, 18, containing approx. 15,000 sq. ft. of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-19(c), 30-19(d), 30-19(h), 30-19(j), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.
APPROVED 6-0 (Laredo recused)
APPROVED 21 YEAS 0 NAYS 1 RECUSED (ALD. LAREDO)
- #164-06(4) WHOLE FOODS MARKET GROUP, INC. petition to AMEND the site plan approved in SPECIAL /SITE PLAN APPROVAL and EXTENSION of a NONCONFORMING STRUCTURE #164-06(3) granted on April 4, 2007 in order to remove five parking stalls and to construct an addition to an existing nonconforming structure at 916 WALNUT STREET, Ward 6, on land known as SBL 62, 4, 12, containing approximately 37,870 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 3 of the City of Newton Rev Zoning Ord, 2012 and Special Permit #164-06(3).
APPROVED 7-0
- #307-12 WMACH, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NONCONFORMING USE to add over a three-year period three restaurants with more than 50 seats including 1,731 sq. ft. of outdoor patio seating on the existing 20-foot sidewalk; waive ~~300~~ 111 parking spaces ~~and one loading dock~~; erect three additional signs all in excess of 100 sq. ft. for the restaurants facing Boylston Street and a fourth sign over the entrance of the Mall; ~~pop out the Boylston Street façade 5,726 sq. ft. within the existing footprint; add 2,223 sq. ft. of outside restaurant patio seating; relocate the ring road in front of the mall to accommodate the pop outs and outdoor seating;~~ and make physical improvements to the Boylston Street façade and the Boylston Street parking lot at 199 BOYLSTON STREET, Ward 7, Chestnut Hill, on land known as SBL 65, 8, 1, containing approximately 324,691 sq. ft. of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-20(f)(2) and (l), 30-19(c), 30-19(d)(10), 30-19(d)(13), ~~30-19(l)~~, and 30-19(m), 30-11(d)(9), ~~30-11(k), 30-21(b)~~ of the City of Newton Rev Zoning Ord, 2012.
APPROVED AS AMENDED 7-0
- #360-12 BAYSTATE CHRYSLER JEEP DODGE RAM
777 Washington Street
Newtonville 02460 (Class 1)
APPROVED 7-0

- #367-12 ENZO'S AUTO SALES
10 Hawthorn Street
Nonantum 02458 (Class 2)
APPROVED 7-0
- #377-12 NEWTON TRADE CENTER
103 Adams Street
Nonantum 02458 (Class 2)
APPROVED 7-0
- #380-12 R.S. SERVICE, INC.
361 Washington Street
Newton Corner 02458 (Class 2)
APPROVED 7-0
- #383-12 VELOCITY MOTORS, INC.
14 Hawthorn Street
Nonantum 02458 (Class 2)
APPROVED 7-0

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, December 10, 2012

Re-appointment by His Honor the Mayor

- #404-12 TABETHA McCARTNEY, 155 Hunnewell Avenue, Newton, re-appointed as a member of the PLANNING AND DEVELOPMENT BOARD for a term to expire February 1, 2017 (60 days 02/01/13) [11/19/12 @ 9:51 AM]
HELD 6-0 (Kalis not voting)

Re-appointment by His Honor the Mayor

- #405-12 WILLIAM McLAUGHLIN, 117 Hammond Street, Chestnut Hill, re-appointed as a member of the ZONING BOARD OF APPEALS for a term to expire November 7, 2015 (60 days 02/01/13) [11/19/12 @ 9:51 AM]
HELD 6-0 (Kalis not voting)

Re-appointment by His Honor the Mayor

- #332-12 DANIEL GREEN, 46 Glen Avenue, Newton Centre, re-appointed as a member of THE CONSERVATION COMMISSION for a term to expire October 25, 2015. (60 days 01/04/13) [10-25-12 @ 10:51AM]
HELD 6-0 (Kalis not voting)

- #164-09(2) ALD. HESS-MAHAN requesting that the Planning Department study the dimensional requirements for lot and building size for accessory apartments and make recommendations for possible amendments to those dimensional requirements to the board of Aldermen that are consistent with the Newton Comprehensive Plan. [01/07/10 @ 12:00 PM]
HELD 7-0

- #61-10 ALD. CICCONE, SWISTON, LINSKY, CROSSLEY AND HESS-MAHAN requesting a discussion relative to various solutions for bringing existing accessory and other apartments that may not meet the legal provisions and requirements of Chapter 30 into compliance. [02/23/10 @ 2:48 PM]
HELD 7-0
- #11-12 ALD. HESS-MAHAN & LINSKY requesting discussion on the implementation and enforcement of the provisions of Section 30-5(c)(1) of the Newton Ordinances which requires that “[w]henver the existing contours of the land are altered, the land shall be left in a usable condition, graded in a manner to prevent the erosion of soil and the alteration of the runoff of surface water to or from abutting properties.” [1/11/12 1:01PM]
HELD 7-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, December 5, 2012

Re-appointment by His Honor the Mayor

- #285-12 PETER JOHNSON, 121 Fairway Drive, West Newton, re-appointed as a member of the PARKS & RECREATION COMMISSION for a term to expire September 11, 2015 (60 days 12/01/12) [09-14-12 @3:04PM]
NO ACTION NECESSARY 5-0 (Sangiolo and Fischman not voting)

Re-appointment by His Honor the Mayor

- #330-12 ROBERT KLIVANS, 69 Pine Ridge Road, Waban, re-appointed as a member of THE BOARD OF TRUSTEES OF THE NEWTON FREE LIBRARY for a term to expire June 30, 2017 (60 days 01/04/13) [10-16-12 @12:21PM]
APPROVED 5-0 (Sangiolo and Fischman not voting)

Re-appointment by His Honor the Mayor

- #331-12 THOMAS TURNER, 60 Wyoming Road, Newtonville, re-appointed as a member of THE NEWTON HOUSING AUTHORITY for a term to expire October 18, 2017. (60 days 01/04/13) [10-25-12 @ 10:51AM]
APPROVED 5-0 (Sangiolo and Fischman not voting)

Re-appointment by His Honor the Mayor

- #332-12 DANIEL GREEN, 46 Glen Avenue, Newton Centre, re-appointed as a member of THE CONSERVATION COMMISSION for a term to expire October 25, 2015. (60 days 01/04/13) [10-25-12 @ 10:51AM]
REFERRED TO ZONING & PLANNING COMMITTEE 5-0 (Sangiolo and Fischman not voting)
RULES SUSPENDED, COMMITTEE POLLED,
ITEM VOTED NO ACTION NECESSARY

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #400-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred fifty thousand dollars (\$150,000) from bonded indebtedness for the purpose of funding plumbing and bathroom renovations at the Gath Pool facility.
REFERRED TO PUBLIC FACILITIES COMMITTEE 5-0 (Sangiolo and Fischman not voting)

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

- #312-10 ALD. LENNON, LAPPIN, SCHNIPPER, SANGIOLO requesting a discussion with the School Committee on its plans to address space needs in the Newton public schools. [10-27-10 @11:07 AM]
FINANCE VOTED NO ACTION NECESSARY on 10/12/11
PUBLIC FACILITIES VOTED NO ACTION NECESSARY on 11/18/11
HELD 6-0 (Linsky not voting)

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

- #302-12 HIS HONOR THE MAYOR, with the support of Ald. Rice, Crossley, Yates, Fischman, and Kalis, requesting authorization to execute a 99-year lease between the City of Newton and the Massachusetts Bay Transportation Authority (MBTA) for .97 miles of unused MBTA rail bed that runs parallel to Needham Street to create a multi-purpose recreational pathway. [09/24/12 @ 5:00 PM]
PUBLIC FACILITIES APPROVED 7-0 ON 11/7/12
APPROVED 6-0 (Sangiolo not voting)
- #164-12 ALD. YATES requesting a discussion with the Executive Secretary of the Election Commission and other appropriate officials on how to use City Hall grounds and various other locations around the city to inform Newton voters about the unusual Thursday date of the September primary. [05/24/12 @ 1:41PM]
NO ACTION NECESSARY 5-0 (Sangiolo and Fischman not voting)

REFERRED TO PROG. & SERV., PUB.FAC. AND FINANCE COMMITTEES

- #89-08 ALD. PARKER requesting the following:
- A) review of the maintenance practices for buildings, parks and other properties owned by the City (including School Department facilities and grounds)
 - B) development of a comprehensive maintenance plan that includes regular schedules for preventive maintenance for each specific site or facility
 - C) a RESOLUTION requesting that implementation of said maintenance plan be funded using operating budget funds.
- [02/13/08 @ 12:07 PM]
FINANCE VOTED NO ACTION NECESSARY ON 3/8/10
PUBLIC FACILITIES NO ACTION NECESSARY ON 11/3/10
NO ACTION NECESSARY 5-0 (Sangiolo and Fischman not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, December 5, 2012

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #414-12 HIS HONOR THE MAYOR requesting that the sum of one million dollars (\$1,000,000) be appropriated from bonded indebtedness for the purpose of purchasing a new ladder truck for the Newton Fire Department to replace Fire Ladder #1. [11/27/12 @ 12:45 PM]
FINANCE APPROVED 6-0 on 12/10/12
APPROVED 5-0, Schwartz and Harney not voting
- #337-12 ALD. LINSKY, CICCONE, ALBRIGHT & JOHNSON, requesting authorization for the installation of a bicycle corral adjacent to 321 Walnut Street, Newtonville. [10/11/12 @ 8:18 PM]
HELD 7-0
- #146-12 DIRECTOR OF PLANNING & DEVELOPMENT, requesting possible amendment to Chapter 19 to allow the Commissioner of Department of Public Works to restrict parking up to 10 feet away from crosswalks. [05/14/12 @ 4:06 PM]
HELD 7-0
- #392-12 ALD. FULLER & SCHWARTZ, requesting a review of **Sec. 19-333. Number of licenses.** the City issues annually for both taxis and public autos. [11/13/12 @ 5:16 PM]
NO ACTION NECESSARY 7-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, December 5, 2012

Appointment by His Honor the Mayor

- #396-12 WILLIAM ELDREDGE, 275 Nevada Street, Newton appointed as a member of the DESIGN REVIEW COMMITTEE for a term to expire on December 31, 2013. (60 days 01/19/13) [11/01/12 @ 4:28 PM]
APPROVED 6-0 (Gentile not voting)
- #356-12 NSTAR ELECTRIC petitioning for a grant of location to install 12,432' \pm of supplemental 8" diameter steel cooling circulation pipeline and a 4" conduit in the same trench in DEDHAM STREET from the Boston town line near the intersection of Spiers Road and Dedham Street to the intersection of Dedham, Winchester and Needham Streets. The project also includes the installation of eleven street rated hand-holes (3' x 3' x 3) in Dedham Street to facilitate the installation of fiber optic cable as shown on the plan and profile drawings. The pipeline and conduit will continue down Needham Street (state road) to the Elliot Street Substation. NStar is requesting the grant of location in order to address the

need to provide additional electric transmission reliability and capacity to address current and future demand supply at the existing Elliot Street Substation #292 in Newton. (Ward 5 & 8) [10-18-12 @ 4:34 PM]

APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#41-10(2) COMMUNITY PRESERVATION COMMITTEE requesting authorization to appropriate the sum of one hundred eighty thousand dollars (\$180,000) from the Community Preservation Fund for the purpose of providing supplemental funding for the Newton Community Farm Barn Rehabilitation Project.

FINANCE APPROVED 6-0

PUBLIC FACILITIES APPROVED 7-0 on 12/05/12

21 YEAS 1 NAY (ALD. SALVUCCI)

REFERRED TO PROGRAMS & SERV. AND PUBLIC FACILITIES COMMITTEES

#315-12 ALD. FULLER, RICE AND GENTILE of the Angier School Building Committee providing updates and discussion on the Angier School Building project as it develops through the site plan approval process. [10-02-12 @ 3:37PM]

HELD 7-0

REFERRED TO FINANCE COMMITTEE

Monday, December 10, 2012

Reappointment by His Honor the Mayor

#410-12 JEFFREY SILTON, 120 Cherry Street, West Newton reappointed as a Constable for the City of Newton for a term of office to expire October 24, 2015. [11/19/12 @ 9:51 AM]

APPROVED 5-0 (Rice not voting)

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

#41-10(2) COMMUNITY PRESERVATION COMMITTEE requesting authorization to appropriate the sum of one hundred eighty thousand dollars (\$180,000) from the Community Preservation Fund for the purpose of providing supplemental funding for the Newton Community Farm Barn Rehabilitation Project.

PUBLIC FACILITIES APPROVED 7-0 on 12/05/12

APPROVED 6-0

21 YEAS 1 NAY (ALD. SALVUCCI)

REFERRED TO LAND USE AND FINANCE COMMITTEES

#413-12 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of two hundred fifty-five thousand dollars (\$255,000) be appropriated from the Community Preservation Act Fund, to the control of the Planning and Development Department for the purpose of supporting a project that will create two units of perpetually affordable rental housing at 54 Eddy Street West Newton, as described in the proposal and supporting materials submitted by Citizens for Affordable Housing in Newton Development Organization (CAN-DO).

[11/20/12 @ 9:19 AM]

LAND USE APPROVED 7-0 on 12/04/12

APPROVED 6-0

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

#414-12 HIS HONOR THE MAYOR requesting that the sum of one million dollars (\$1,000,000) be appropriated from bonded indebtedness for the purpose of purchasing a new ladder truck for the Newton Fire Department to replace Fire Ladder #1. [11/27/12 @ 12:45 PM]

PUBLIC SAFETY APPROVED 5-0 on 12/05/12

APPROVED 6-0

#399-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty-one thousand six hundred thirty five dollars (\$21,635) to replace a police cruiser that was damaged beyond repair in an automobile accident as follows:

From: Budget Reserve	
0110498-5790	\$11,081
P.S. Supplies	
0120112-5580	\$5,554
Cty Asses Forfeitures	
13C201C	5,000
To: Automobiles	
0120108-58501	\$21,635

APPROVED 6-0

#398-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred seventy-nine thousand one hundred thirty-nine dollars and thirty cents (\$179,139.30) from the November 9, 2012 Declaration of Overlay Surplus as declared by the Chairman of the Board of Assessors to pay the 8% statutory interest from the time Verizon New England, Inc. paid its FY 2009 tax bill until the day the Treasurer/Collector issued a refund check for an abatement given by the Board of Assessors on October 30, 2012. [11/13/12 @ 5:12 PM]

APPROVED 6-0

- #411-12 HIS HONOR THE MAYOR requesting approval of a Loan Order to refinance outstanding bonds for interest cost savings. The proposed language for the order is as follows: **Ordered:** That in order to reduce interest costs, the Treasurer, with the approval of the Mayor, is authorized to provide for the sale and issuance of refunding bonds under Massachusetts General Law Chapter 44, Section 21A to refund all or any portion of the remaining principal of and redemption premium and interest on any bonds of the City outstanding as of the date of adoption of this Order, and for the payment of all other costs incidental and related thereto, and that the Mayor and the Treasurer are each authorized to take any and all other action necessary to carry out the purposes of this order. [11/27/12 @ 1:13 PM]
APPROVED WITH CONDITIONS 6-0
- #280-12 ALD. CROSSLEY, ALBRIGHT, JOHNSON & MERRILL requesting that (A) the City accept G.L. c. 59 section 5N of the Acts of 2012 and (B) create an ordinance establishing a program to allow veterans to volunteer to provide services in exchange for a reduction in real property tax obligation. [09-10-12 @ 6:44 PM]
NO ACTION NECESSARY 6-0