

CITY OF NEWTON

IN BOARD OF ALDERMEN

BOARD ACTIONS

Tuesday, January 18, 2011

Present: Ald. Albright, Baker, Blazar, Ciccone, Crossley, Danberg, Fischman, Freedman, Fuller, Gentile, Harney, Hess-Mahan, Johnson, Lappin, Linsky, Merrill, Rice, Sangiolo, Schnipper, Shapiro, Swiston, Yates, and Lennon

Absent: Ald. Salvucci

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

#370-10 EXECUTIVE SECRETARY OF ELECTION COMMISSION requesting Board of Aldermen approval for the Municipal Election Calendar for 2011 which includes preliminary and general election dates and times, nomination paper filing and petition filing deadlines, dates, and times. [12/13/10 @12:29pm]

PROGRAMS & SERVICES APPROVED 7-0

BOARD APPROVED BY VOICE VOTE AS AMENDED TO INCLUDE DATE THAT NOMINATION PAPERS WILL BE AVAILABLE.

Note: It was brought to Board members attention that the calendar presented at Programs and Services did not include the date that nomination papers would be available. A motion was made and approved to amend the calendar to include the date that nomination papers would be available before the calendar was published to the public.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 0 NAYS, 1 ABSENT (Ald. Salvucci) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

REFERRED TO LAND USE COMMITTEE

Tuesday, January 11, 2011

Auto License Renewals for 2011

#1-11 FROST MOTORS, INC.
624 Washington
Newtonville 02460 (Class 2)

LAND USE APPROVED 6-0 (Harney not voting)

#3-11 AUBURNDALE SERVICE CENTER, LLC d/b/a AUBURNDALE MOBIL
2105 Commonwealth Avenue
Auburndale 02466 (Class 2)

LAND USE APPROVED 6-0 (Harney not voting)

- #5-11 PARAGON GLOBAL PARTNERS, INC.
259 Walnut Street
Newtonville 02460 (Class 2)
LAND USE APPROVED 6-0 (Harney not voting)
- #6-11 REGAN INC.
2066 Commonwealth Avenue
Auburndale 02466 (Class 2)
LAND USE APPROVED 6-0 (Harney not voting)
- #350-10 PR REALTY TRUST, PEGGI ROBART, TRUSTEE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NONCONFORMING STRUCTURE to expand an existing two-family dwelling into a three-family dwelling; to waive one parking space; and, to waive the required driveway access of 12 feet at 175 ALLERTON ROAD, Ward 6, on land known as SBL 52, 24, 6, containing ≈8,530 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. REF: Sec 30-24, 30-23, 30-21(a)(2)b, 30-21(b), 30-19(d)(2), (g)(3) and (m) of the City of Newton Rev Zoning Ord.
HEARING CLOSED; LAND USE APPROVED 6-0 (Harney not voting)
- #268-02(2) DANIEL HAVERTY/KENMORE REALTY CORPORATION petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a restaurant having over 50 seats (increase from 48 to 76 seats) and to waive the additional number of parking spaces (3) required for a restaurant located at 1349 WASHINGTON STREET, Ward 3, on land known as SBL 33, 12, 1, in a district zoned Business 1. (Ref: Sec 30-24, 30-23, 30-11(d)(9), 30-19(c)(2), (3), and (d), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.
HEARING CLOSED
- #351-10 JON B. HOLLINGSWORTH petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to permit a 2-story detached garage of more than 700 sq. ft (982 sq. ft.) and allow 2 dormers to be located two feet from the vertical plane of the side wall of the garage at 373 LEXINGTON STREET, Ward 4, on land known as SBL 41, 17, 12, containing ≈10,030 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15(m)(5)c), (t)(3), (m)(3) of the City of Newton Rev Zoning Ord, 2007.
HEARING CLOSED
- REFERRED TO ZONING AND PLANNING COMMITTEE**
Monday, January 10, 2011
- #18-11 HIS HONOR THE MAYOR requesting the confirmation of Candace Havens as the Director of Planning and Development, effective January 1, 2011 pursuant to Section 3-3 of the City Charter. [12/23/2010 @ 4:49PM]
ZONING AND PLANNING APPROVED 8-0

#142-09(6) INTERIM DIRECTOR OF PLANNING AND DEVELOPMENT requesting to amend Chapter 30, §30-15(u) and TABLE 1 regarding Floor Area Ratio (FAR) to institute a new method of calculating maximum FAR for single and two family structures in residential districts based on a sliding scale tied to lot size and zoning district; to amend § 30-1 definitions of “gross floor area” and “floor area ratio” to include additional building features, accessory structures, and mass below first story; to amend § 30-1 to add definitions of “carport”, “porch,” “enclosed porch”, and “mass below first story”; to delete the reference to §30-15 Table 1 contained in §30-21(c) and replace it with a reference to §30-15(u); to determine a date, between six (6) and twelve (12) months from date of passage, that the above amendments will become effective; and to extend the expiration dates of §30-15(u) paragraphs 1, 2, and 3 so they remain in effect until such date that the above amendments become effective. [12/15/10 @ 4:37PM] (90 days to expire on 04/08/11)

HEARING CLOSED

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, January 5, 2011

REFERRED TO PROG. AND SERVICES AND PUB. FACILITIES COMMITTEES

#372-10 SUPERINTENDENT FLEISCHMAN requesting the vote of the Board of Aldermen to complement the vote of the School Committee to authorize the superintendent of schools to refresh the current statements of interest for 2011 to the Massachusetts School Building Authority by January 26, 2011 for the following schools: Angier, Bigelow, Burr, Cabot, Brown, Countryside, FA Day, Franklin, Horace Mann, Ward, Lincoln-Elliot, Mason-Rice, Pierce, Underwood, and Zervas. [12/09/10 @ 4:26PM]

PUBLIC FACILITIES APPROVED 6-0 SUBJECT TO SECOND CALL
PROGRAMS & SERVICES APPROVED 7-0 SUBJECT TO SECOND CALL

Note: This and the following item were placed on second call in committee as Board members wanted to make sure that the School Committee had the opportunity to vote on this matter before the Board took final action. Since the School Committee had voted on this and the following item, the items were voted as part of first call.

#372-10(2) SUPERINTENDENT FLEISCHMAN requesting the vote of the Board of Aldermen to complement the vote of the School Committee to authorize the superintendent of schools to refresh the current statement of interest for 2011 to the Massachusetts School Building Authority by January 26, 2011 designating Angier Elementary School as the top priority school for the City of Newton.
PUBLIC FACILITIES APPROVED 6-0 SUBJECT TO SECOND CALL
PROGRAMS & SERVICES APPROVED 7-0 SUBJECT TO SECOND CALL

Re-appointment by His Honor the Mayor:

- #91-10(4) HIS HONOR THE MAYOR requesting an extension of Linda Walsh as the Interim Commissioner of Health and Human Services effective January 1, 2011 pursuant to Section 3-6 of the City Charter. [12/23/2010 @ 4:49PM]
PROGRAMS & SERVICES APPROVED 7-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #362-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred forty thousand dollars from the FY11 Budget Reserve for the purpose of supplementing the unemployment account in the Human Resources Department. [11/29/10 @ 3:23 PM]
PROGRAMS & SERVICES REFERRED TO FINANCE 7-0. See page 6

- #371-10 HIS HONOR THE MAYOR requesting that the Board of Aldermen accept the Massachusetts General Laws, Chapter 40, section 8J, and establish by ordinance a Commission on Disabilities in the City of Newton. [12/13/2010 @ 5:13PM]
PROGRAMS & SERVICES APPROVED 7-0

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, January 5, 2011

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #364-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one hundred eighteen thousand five hundred dollars (\$118,500) from the Reserve for Debt Funded Projects for the purpose of creating a secure entrance in the Police Department lobby. [11/29/10 @ 3:23 PM]
FINANCE APPROVED 7-0 on 1/10/11
PUBLIC SAFETY APPROVED 5-0-1 (Freedman abstaining, Yates not voting)
- #22-11 JIM DANILA, TRAFFIC COUNCIL CHAIR providing the 2010 Annual Report on the work of the Traffic Council during 2010. [12/16/10 @ 9:57 PM]
PUBLIC SAFETY APPROVED 7-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, January 5, 2010

REFERRED TO PROG. AND SERVICES AND PUB. FACILITIES COMMITTEES

- #372-10 SUPERINTENDENT FLEISCHMAN requesting the vote of the Board of Aldermen to complement the vote of the School Committee to authorize the superintendent of schools to refresh the current statements of interest for 2011 to the Massachusetts School Building Authority by January 26, 2011 for the following schools: Angier, Bigelow, Burr, Cabot, Brown, Countryside, FA Day,

Franklin, Horace Mann, Ward, Lincoln-Elliot, Mason-Rice, Pierce, Underwood, and Zervas. [12/09/10 @ 4:26 PM]

PROG & SERV APPROVED 7-0 ~~SUBJECT TO SECOND CALL on 1/5/11~~
PUBLIC FACILITIES APPROVED 6-0 ~~SUBJECT TO SECOND CALL~~

Note: See note above on this and the following item.

#372-10(2) SUPERINTENDENT FLEISCHMAN requesting the vote of the Board of Aldermen to complement the vote of the School Committee to authorize the superintendent of schools to refresh the current statement of interest for 2011 to the Massachusetts School Building Authority by January 26, 2011 designating Angier Elementary School as the top priority school for the City of Newton.
PROG & SERV APPROVED 7-0 ~~SUBJECT TO SECOND CALL on 1/5/11~~
PUBLIC FACILITIES APPROVED 6-0 ~~SUBJECT TO SECOND CALL~~

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#311-10 HIS HONOR THE MAYOR requesting an appropriation in the amount of three million three hundred thirty-five thousand dollars (\$3,035,000) from bonded indebtedness for the purpose of funding the FY 2011 Capital Improvement Plan projects as follows:

Architectural Design and Engineering/ Next Scheduled Fire Station	\$400,000
(A-2) \$270,000 for final design bidding and construction admin HELD on 12/08/10	
(C) City Hall Windows – Repair/Replacement	\$125,000
<u>FINANCE APPROVED 7-0 on 1/10/11</u>	
<u>PUBLIC FACILITIES APPROVED 5-0 (Albright not voting)</u>	
(D) Purchase of Heavy Vehicle Equipment – DPW	\$300,000
<u>FINANCE APPROVED AS AMENDED 6-0-1 @\$265,000 (Linsky abstaining) on 1/10/11</u>	
<u>PUBLIC FACILITIES APPROVED 5-0 (Albright & Gentile not voting)</u>	
(E) Newton Public Schools – Roof Repairs	\$810,000
(F) Newton Public Schools – Masonry Repairs	\$450,000
(G) Newton Public Schools – Boiler Replacements	\$350,000
(H) Newton Public Schools – Roof Top & Exhaust Unit Replacements	\$100,000
(I) Newton Public Schools – Window and Door Replacements	\$500,000
<u>FINANCE APPROVED 6-0 (Freedman not voting) on 1/10/11</u>	
<u>PUBLIC FACILITIES APPROVED 6-0</u>	

MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF PUBLIC FACILITIES TO POLL THE COMMITTEE WAS APPROVED BY VOICE VOTE.

THE CHAIR MOVED THAT THE PUBLIC FACILITIES COMMITTEE ACCEPT THE REPORT OF THE FINANCE COMMITTEE ON ITEM (D) WHICH APPROVED THE ITEM AT \$265,000.

PUBLIC FACILITIES APPROVED ACCEPTANCE OF FINANCE VOTE OF \$265,000 ON (D) 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #366-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of five hundred thousand dollars (\$500,000) from the Parking Meter Receipts Reserve Fund for the purpose of supplementing the City's annual Chapter 90 Highway Funding Allocation. [11/29/10 @ 3:23 PM]
FINANCE APPROVED 7-0 on 1/5/11
PUBLIC FACILITIES APPROVED 6-0

REFERRED TO FINANCE COMMITTEE

Monday, January 10, 2011

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #362-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred forty thousand dollars from the FY11 Budget Reserve for the purpose of supplementing the unemployment account in the Human Resources Department. [11/29/10 @ 3:23 PM]
PROGRAMS & SERVICES REFERRED TO FINANCE on 01/05/10
FINANCE APPROVED 5-0-1 (Linsky abstaining; Freedman not voting)

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #364-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one hundred eighteen thousand five hundred dollars (\$118,500) from the Reserve for Debt Funded Projects for the purpose of creating a secure entrance in the Police Department lobby. [11/29/10 @ 3:23 PM]
PS&T APPROVED 5-0-1 (Freedman abstaining on 01/05/10)
FINANCE APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #366-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of five hundred thousand dollars (\$500,000) from the Parking Meter Receipts Reserve Fund for the purpose of supplementing the City's annual Chapter 90 Highway Funding Allocation. [11/29/10 @ 3:23 PM]
PUBLIC FACILITIES APPROVED 6-0 on 01/05/10
FINANCE APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#311-10 HIS HONOR THE MAYOR requesting an appropriation in the amount of three million three hundred thirty-five thousand dollars (\$3,035,000) from bonded indebtedness for the purpose of funding the FY 2011 Capital Improvement Plan projects as follows:

(A) Architectural Design and Engineering/Next Scheduled Fire Station \$400,000

(A-2) \$270,000 for final design bidding and construction admin HELD on 12/08/10

(C) City Hall Windows – Repair/Replacement \$125,000

PUBLIC FACILITIES APPROVED 5-0 (Albright not voting)

FINANCE APPROVED 7-0

(D) Purchase of Heavy Vehicle Equipment – DPW \$300,000

PUBLIC FACILITIES APPROVED 4-0 (Albright & Gentile not voting)

FINANCE APPROVED AS AMENDED 6-0-1 @\$265,000 (Linsky abstaining)

(E) Newton Public Schools – Roof Repairs \$810,000

(F) Newton Public Schools – Masonry Repairs \$450,000

(G) Newton Public Schools – Boiler Replacements \$350,000

(H) Newton Public Schools – Roof Top & Exhaust Unit Replacements \$100,000

(I) Newton Public Schools – Window and Door Replacements \$500,000

PUBLIC FACILITIES APPROVED 6-0 on 01/05/10

FINANCE APPROVED 8-0 (Freedman not voting)

Note: See amendment to Public Facilities vote on (D) of this item on page 5.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#363-09 ALD. SANGIOLO requesting a discussion to increase the tobacco seller license fee. [09/13/09 @ 1:07 PM]

PROGRAMS & SERVICES NO ACTION NECESSARY 7-0 on 11/17/10

FINANCE NO ACTION NECESSARY 6-0 (Freedman not voting)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 0 NAYS, 1 ABSENT (Ald. Salvucci) TO ACCEPT ITS COMMITTEES' RECOMMENDATION ON A) OF THE FOLLOWING ITEM AND VOTED WITHOUT DISCUSSION 20 YEAS, 3 NAYS (ALD. Crossley, Freedman, Fuller), 1 ABSENT (Ald. Salvucci) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON B) OF THE FOLLOWING ITEM:

#135-10 The WARD 4 ALDERMEN appealing denial of Traffic Council Decision TC42-09 voted on April 29, 2010: ALD, HARNEY, SANGIOLO AND GENTILE requesting **a)** a study for possible traffic calming measures to regulate speed on the following streets: West Pine Street and Melrose Avenue near the Auburndale Cove playground and parking lot and **b)** request turning restrictions from

Lexington Street onto Staniford Street during rush hour or any other means to reduce cut-through commuter traffic on the surrounding streets – Staniford, West Pine and Melrose Streets. (Ward 4) (Appeal filed on 04/30/10 @ 11:46 AM)
HELD 6-0, Approved a 60-day trial on 06/09/10, No Right Turn, 7:00 a.m. to 9:00 a.m., Monday through Friday, Lexington Street onto Staniford Street.
A) NO ACTION NECESSARY 6-0, Ald. Yates not voting
B) TRIAL APPROVED 3-2-1 (Fuller and Freedman opposed, Shapiro abstaining, Yates not voting)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 1 NAY (Ald. Albright), 1 ABSENT (Ald. Salvucci) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEM:

#204-10 Commissioner of Public Works, on behalf of NSTAR, petitioning for a grant of location to relocate pole 128/6 to the opposite side of ELM ROAD, a distance of 50' +/- westerly from existing pole location. (Ward 2) [06/21/10 @ 5:13 PM]
PUBLIC FACILITIES NO ACTION NECESSARY 5-1 (Albright opposed)

THE BOARD OF ALDERMEN APPROVED BY VOICE VOTE THE ACCEPTANCE AND REFERRAL OF THE FOLLOWING LATE FILED ITEM TO THE DOCKET:

REFERRED TO REAL PROPERTY REUSE COMMITTEE
 #33-11 COMMISSIONER OF PUBLIC WORKS declaring surplus for sale or lease a city-owned right of way located at 145-147 Chapel Street, Nonantum.

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public Hearing reassigned for February 15, 2011:

#7-11 CHARLES RIVER COUNTRY CLUB, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND A NON CONFORMING USE to create a short game practice area for its members and guests in a currently unimproved portion of an existing golf course (no buildings or structures are involved) at 483 DEDHAM STREET, Ward 8, on land known as SBL 83, 36, 4, containing ≈6,446,022 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)a) of the City of Newton Rev Ord, 2007, and special permit board order #261-96.

Public Hearing assigned for February 15, 2011:

#137-10(2) SHARAD S. GANDBHIR petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an accessory apartment in an existing detached structure; to locate three parking spaces closer than five feet from the street, one of which would be located within the front setback, and to locate a 6.5-foot retaining wall in the side setback at 298-300 ADAMS STREET, Ward 1, on land known as Sec

12, Blk 2, Lot 9C, containing ≈11,529 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-5(b)(4), 30-9(h)((1), 30-19(g)(1) and 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing assigned for February 15, 2011:

#23-11 NEW CINGULAR WIRELESS by AT&T MOBILITY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE for the addition of three (3) wireless communication antennas to an existing monopole at 30-36 BORDER STREET, Ward 3, West Newton on land known as SBL 33, 15, 24, containing ≈14,458 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec 30-24, 30-23, 30-18(c), 30-18(e)(8) of the City of Newton Rev Zoning Ord, 2007, and special permits #209-67 and #337-05.