

CITY OF NEWTON

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, February 7, 2011

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

Absent: Ald. Fischman

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

#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)

ZONING & PLANNING APPROVED AS AMENDED 6-1-1 (Lappin opposed; Sangiolo abstaining)

ITEM SPLIT INTO A & B: (A) ORDINANCE TEXT, (B) BONUS EXTENSION

(B) APPROVED 23 YEAS, 0 NAYS, 1 ABSENT (Ald. Fischman)

(A) POSTPONED TO DATE CERTAIN OF FEBRUARY 22 BY VOICE VOTE

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

LAND USE COMMITTEE

Thursday, January 20, 2011

#300-10 1479 WASHINGTON STREET LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING USE and STRUCTURE to expand an existing funeral home use; construct a retaining wall greater than 4 feet in the side and rear setback, ~~to waive 38 parking stalls~~; and, to locate a parking stall in the front setback and closer than 5 feet to the street at 1479 WASHINGTON STREET, Ward 3, West Newton, on land known as SBL 33, 5, 4, containing ≈8,990 sf of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)b), 30-21(b), 30-19(d)(6), (g)(1), and (m), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.

LAND USE WAIVER FOR 38 PARKING STALLS WITHDRAWN WITHOUT PREJUDICE 4-0
LAND USE APPROVED 4-0

#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.

LAND USE APPROVED 4-0

REFERRED TO ZONING AND PLANNING COMMITTEE

Monday January 24, 2011

#26-11 HIS HONOR THE MAYOR submitting in accordance with Section 7-2 of the City Charter an amendment to the 2007 Newton Comprehensive Plan to include a Mixed-Use Centers Element [01-07-11 @ 4:20 PM]

ZONING & PLANNING REFERRED TO PLANNING AND DEVELOPMENT BOARD (to be reported back by April 1, 2011)

Appointment by His Honor the Mayor

#19-11 RONALD C. LIPOF, 10 Hammond Pond Parkway, #101, Chestnut Hill, appointed as a member of the Economic Development Commission for a term of office to expire December 31, 2013. [12/28/2010 @ 9:47PM]

ZONING & PLANNING APPROVED 7-0

Appointment by His Honor the Mayor

#20-11 JOYCE MOSS, 229 Franklin Street, Newton, appointed to the Economic Development Commission for a term to expire December 31, 2013. [12/28/2010 @ 9:47PM]

ZONING & PLANNING APPROVED 7-0

Appointment by His Honor the Mayor

#21-11 DARRYL SETTLES, 52 Hood Street, Newton, appointed to the Economic Development Commission for a term of office to expire December 31, 2013. [12/28/2010 @ 9:47PM]

ZONING & PLANNING APPROVED 7-0

#235-10 ALD. BAKER & YATES on behalf of the Newton Historical Commission requesting updates to §22-50, **Demolition of historically significant buildings or structures.**, to minimize inconveniences to homeowners proposing modest changes and to enhance protections for historic structures proposed for demolition, with specific amendments designed to
(A) reduce the number of applications filed and allow smaller projects to occur without review;
(B) establish a minimum period of delay for full demolition if the structure is found to be preferably preserved; and
(C) extend the existing period of delay, as has occurred in other communities, for structures proposed for full demolition if the structure is found to be preferably preserved. [8/30/10 @3:19PM]

ZONING & PLANNING 235-10(A) APPROVED 7-0

ZONING & PLANNING 235-10(B) & (C) HELD 7-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, January 19, 2011

#357-10(2) ALD. YATES proposing a change in the proposed rule to eliminate the Committee on Community Preservation: community preservation items relating to housing and recreation shall be referred to the Programs and Services Committee; items relating to historic preservation and open space shall be referred to the Zoning and Planning Committee; all items shall then be referred to the Finance Committee. [12/6/2010 @ 10:57PM]

PROGRAMS & SERVICES REFERRED TO RULES SUBCOMMITTEE 7-0

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, January 19, 2011

REFERRED TO PUBLIC SAFETY AND FINANCE COMMITTEES

#30-11 HIS HONOR THE MAYOR requesting that \$150,000 be transferred from Budget Reserve to Police Department Overtime. [01/10/11 @ 6:06 PM]
FINANCE APPROVED 6-0 (Ciccone, Freedman not voting) on 01/24/11
PUBLIC SAFETY APPROVED 6-0

#11-10 ALD. ALBRIGHT requesting a discussion relative to providing parking during a snow emergency for residents who live in housing without on-site parking. [12/21/09 @ 1:15 PM]
PUBLIC SAFETY NO ACTION NECESSARY 6-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, January 19, 2010

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#31-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$2,065,000 from Free Cash to the Department of Public Works – Snow and Ice Removal Account. [01/10/11 @6:07 PM]
FINANCE APPROVED 8-0 on 01/24/11
PUBLIC FACILITIES APPROVED 6-0

REFERRED TO FINANCE COMMITTEE

Monday, January 24, 2011

Re-appointment by His Honor the Mayor

#27-11 JAMES E. SHAUGHNESSY, 12 Northgate Road, Chelmsford, re-appointed to the City of Newton Board of Assessors for a term to expire February 1, 2014. (01-10-11 @6:05PM)
FINANCE APPROVED 5-0 (Ciccone, Freedman, Linsky not voting)

#28-11 HIS HONOR THE MAYOR requesting that \$12,750 be transferred from FY2011 Budget Reserve to the Fire Department for the purpose of purchasing two sets of air bags, one set each for Ladder 3 and Tower 2. [01-10-11 @6:06 PM]
FINANCE APPROVED 7-0 (Freedman not voting)

#29-11 HIS HONOR THE MAYOR requesting a transfer of funds to purchase a new copier with scanning, network, and fax capabilities for the Purchasing Department as follows:

From: FY2011 Printing Account
 #0110503-5313 – Temporary Staffing \$5,000
 To: Purchasing Account #0110501-58514 \$5,000

[01-10-11 @6:07PM]

FINANCE APPROVED 7-0 (Freedman not voting)

REFERRED TO PUBLIC SAFETY AND FINANCE COMMITTEES

#30-11 HIS HONOR THE MAYOR requesting that \$150,000 be transferred from Budget Reserve to Police Department Overtime. [01/10/11 @6:06 PM]

PS&T APPROVED 6-0 on 01/19/11

FINANCE APPROVED 6-0 (Ciccione, Freedman not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#31-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$2,065,000 from Free Cash to the Department of Public Works – Snow and Ice Removal Account. [01/10/11 @6:07 PM]

PUBLIC FACILITIES APPROVED 6-0 on 01/19/11

FINANCE APPROVED 8-0

REFERRED TO POST AUDIT & OVERSIGHT COMMITTEE

Tuesday, January 25, 2011

REFERRED TO POST AUDIT AND PUBLIC FACILITIES COMMITTEE

#107-10 ALD. YATES, LAPPIN, FREEDMAN, FISCHMAN AND HESS-MAHAN requesting an update on the Newton South High School athletic field drainage project. [03/15/10 @ 12:09 PM]

PUBLIC FACILITIES NO ACTION NECESSARY 6-0 (Ald. Gentile not voting)

FINANCE NO ACTION NECESSARY 4-0

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

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEE

#43-11 HIS HONOR THE MAYOR requesting that the budget for the Newton North High School construction project be amended by transferring from various miscellaneous line items and the Owners Contingency line item the sum of two million five hundred eight-three thousand six hundred ninety seven dollars and eleven cents (\$2,583,697.11) to the Construction Manager at Risk line item for

the purpose of providing funding for the estimated cost of additional abatement work related to the demolition phase of the project as follows:

From: Reallocation of miscellaneous accounts	\$583,697.11
Owners Contingency.....	\$2,000,000.00
To: Construction Manager at Risk	\$2,583,697.11
[02-03-11 @ 11:57 AM]	