

## REPORTS DOCKET

Feb. 8: Land Use (Cancelled) Continued  
Feb. 9: Programs&Services; Public Safety&Transportation; Public Facilities Page 27  
Feb. 14: Finance; Zoning & Planning Monday, February 7, 2011  
Feb. 15: Land Use Newton City Hall  
To be reported on  
**Tuesday, February 22, 2011**

### CITY OF NEWTON

#### IN BOARD OF ALDERMEN

##### UNFINISHED BOARD BUSINESS

*Item postponed on February 7, 2011 to February 22, 1011:*

#142-09(6)(B) 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. *(A, extending in §30-15(u) the expiration dates of paragraphs 1, 2, and 3 so they remain in effect until 10-15-11 was approved on 02/07/11. (90 days 04/08/11)*

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

#### REFERRED TO LAND USE COMMITTEE

Tuesday, February 15, 2011

Present: Ald. Hess-Mahan (Chairman), Ald. Merrill, Albright, Schnipper, Blazar, Crossley, Harney, and Fischman

*Public hearings were held on the following items, after which the Committee held a working session:*

#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.

**HEARING CONTINUED TO MARCH 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.

**HEARING CLOSED; HELD 8-0**

#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, special permits #209-67 and #337-05.

**HEARING CLOSED; APPROVED 8-0**

**REFERRED TO ZONING AND PLANNING COMMITTEE**

Monday, February 14, 2011

Present: Ald. Johnson (Chairman), Yates, Shapiro, Baker, Lappin, Sangiolo, Lennon, Swiston

Also present: Ald. Danberg

#122-09 ALD. SANGIOLO on behalf of Armando Rossi requesting a discussion of the proliferation of signage in the city.

**HELD 8-0**

#92-10(2) ZONING & PLANNING COMMITTEE proposing a RESOLUTION to His Honor the Mayor providing selection criteria guidance for membership on the *Planning & Development Board* so that the level of expertise in related areas or the equivalent combination of experience and/or education is present in order to enhance the ability of the Board to increase its service to the City. [9-13-10@11:41AM]

**APPROVED 8-0**

#93-10(2) ZONING & PLANNING COMMITTEE proposing a RESOLUTION to His Honor the Mayor providing selection criteria guidance for membership on the *Zoning Board of Appeals* so that the level of expertise in related areas or the equivalent combination of experience and/or education is present in order to enhance the ability of the Board to increase its service to the City. [9/13/10 @11:41AM]

**APPROVED 8-0**

- #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  
 (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]  
**SECTION (B) APPROVED 7-0-1 (Lennon abstaining)**  
**SECTION (C) APPROVED 6-2 (Lennon and Lappin opposed)**
- #253-10 ALD. YATES proposing a RESOLUTION to the Conservation Commission and the Mayor's Advisory Committee on Renewable Energy requesting that they investigate the possibility of establishing a Brightfield Solar Energy Array on the Flowed Meadow site similar to the one in Brockton. [09/07/10 @ 8:31pm]  
**NO ACTION NECESSARY 8-0**
- #333-97(2) ALD. YATES proposing that Chapter 30 be amended to prohibit without a special permit in any zoning district the approval of a subdivision that would be accessed by any public way on which the Level of Service at the point of access is already a D, E, or F, for at least one hour per week or if the additional traffic to be generated by the subdivisions would cause the Level of Service at the point of access to a public way to fall to D, E, or F for at least one hour per week. [8-7-07 @2:05 PM]  
**NO ACTION NECESSARY 8-0**
- #142-09(4) INTERIM DIRECTOR OF PLANNING AND DEVELOPMENT requesting discussion of findings of Floor Area Ratio Working Group and consideration of recommended revisions to Chapter 30 regarding FAR limits tied to lot sizes and definitions of "gross floor area", "carport", "mass below first story", "porch", "enclosed porch", and "floor area ratio" as well as phasing of ongoing changes. [05/11/10 @ 7:07 PM]  
**NO ACTION NECESSARY 8-0**

**REFERRED TO PROGRAMS AND SERVICES COMMITTEE**

Wednesday, February 9, 2011

Present: Ald. Sangiolo, Linsky, Baker, Blazar, Hess-Mahan, Merrill, Rice, Fischman; also present: Ald. Gentile

**REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES**

- #373-10 ALD. GENTILE, HARNEY, SANGIOLO requesting amendment to §20-13, *Noise Control*, of the City of Newton Revised Ordinances to prohibit outdoor athletic events from starting before 7 AM and increase the maximum fine to \$300. [12-10-10 @ 12:53 PM]  
**HELD 7-0 (Linsky not voting)**

**REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES**

- #373-10(2) ALD. GENTILE, HARNEY, SANGIOLO requesting an amendment to §20-13 of the City of Newton Revised Ordinances to adjust the structure, as well as increase the amount of the fines associated with non-compliance of §20-13, Noise Control, to reflect the following: first violation: issuance of a warning; second violation: \$100 fine; third violation: \$200 fine; fourth violation: \$300 fine. [01-05-11 @ 10:00 PM]  
**FINANCE APPROVED AS AMENDED 5-0 (Freedman not voting) on 02/14/11**  
**APPROVED 7-0 (Linsky not voting)**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #360-09(2) PROGRAM & SERVICES COMMITTEE requesting a discussion to explore possible sources of revenue to fund an off leash dog park system in the City. [11/06/09 @ 10:44 AM]  
**FINANCE VOTED NO ACTION NECESSARY on 3/8/10**  
**HELD 8-0**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #360-09(3) PROGRAMS & SERVICES COMMITTEE requesting the creation of a revolving account for the purpose of managing the fees collected from the granting of off-leash dog licenses. [10/07/2010 @ 2:30pm]  
**FINANCE APPROVED AS AMENDED 6-0 on 02/14/11**  
**APPROVED AS AMENDED 8-0**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, February 9, 2011

Present: Ald. Ciccone (Chairman), Harney, Yates, Shapiro, Johnson, and Fuller; absent: Ald. Freedman and Swiston; also present: Ald. Albright, Fischman and Linsky

#64-10 ALD. YATES, SHAPIRO, FULLER, JOHNSON, CICCONI, SWISTON AND HARNEY requesting the City Traffic Division, Tree Warden and Urban Tree Commission to review the Nahanton Woods property around its driveway and make recommendations to the Nahanton Woods Trust as to how to improve the visibility of the driveway to and from Nahanton Street. [02/17/10 @ 10:29 PM]  
**NO ACTION NECESSARY 5-0, Harney not voting**

#39-11 PUBLIC SAFETY & TRANSPORTATION COMMITTEE recommending an amendment to Section 19-33(d) of the City of Newton Revised Ordinances of 2007 (role of the Board of Aldermen in appeals from Traffic Council) to allow the Board to take final action on Traffic Council appeals rather than return the item for a Traffic Council vote. [01/19/11 @ 2:28 PM]  
**APPROVED 6-0, SUBJECT TO 2<sup>ND</sup> CALL**

#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**

**REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEE**

#41-11 ALD. JOHNSON, LENNON AND DANBERG requesting discussion of the elimination, except during snow emergencies, of the overnight parking ban which is in effect from November 15 through April 15. [01/18/11 @ 9:00 PM]  
**PUBLIC FACILITIES HELD 6-0 on 02/09/11**  
**HELD 6-0**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, February 9, 2011

Present: Ald. Schnipper (Chairman), Lennon, Albright, Salvucci, Crossley, and Danberg;  
absent: Ald. Lappin; also present: Ald. Ciccone, Fuller, Harney, Johnson, Shapiro, and Yates

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEE**

#42-11 HIS HONOR THE MAYOR requesting a transfer of three hundred thousand dollars (\$300,000) from various departments' salary accounts to supplement the expenditures associated with the removal of snow and ice as follows:

	<u>Account Number</u>	<u>Department</u>	<u>Amount</u>
From:	0110301-511001	Executive .....	\$10,000
	0110501-511001	Purchasing .....	\$15,000
	0110601-511002	Assessing .....	\$15,000
	0110901-511001	Human Resources.....	\$35,000
	0111103-511001	Information Technology.....	\$40,000
	0111401-511001	Planning.....	\$25,000
	0140103-511002	DPW-Vehicle Maint.....	\$35,000
	0140104-511002	DPW – Street Maint .....	\$25,000
	0150101-511001	Health & Human Svcs Adm.....	\$50,000
	0160103-511001	Newton Free Library .....	\$50,000
To:	0140110-513001	Snow & Ice – Overtime.....	\$100,000
	0140110-5273	Snow & Ice – Rental Veh.....	\$100,000
	0140110-5532	Snow & Ice – Sand/Salt.....	\$100,000

[01/31/11 @ 5:04 PM]

**FINANCE APPROVED 5-0 (Linsky not voting) on 02/14/11**

**APPROVED 6-0 (Gentile not voting)**

**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 .....

[02-03-11 @ 11:57 AM]

**FINANCE APPROVED 6-0 on 02/14/11**

**APPROVED 5-0 (Albright and Gentile not voting)**

**REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEE**

#41-11 ALD. JOHNSON, LENNON AND DANBERG requesting discussion of the elimination, except during snow emergencies, of the overnight parking ban which is in effect from November 15 through April 15. [01/18/11 @ 9:00 PM]  
**PS&T HELD 6-0 on 02/09/11**  
**HELD 6-0 (Salvucci not voting)**

**REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEE**

#196-09 ALD. MANSFIELD AND SANGIOLO requesting rescission of Sec. 19-99 (b), Speed humps of the Revised Ordinances of the City of Newton. [06/17/09 @ 11:24 PM]  
**PS & T APPROVED 4-0-2 (Johnson and Shapiro abstaining) on 06/09/10**  
**APPROVED 4-2 (Gentile and Salvucci opposed)**

**REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES**

#196-09(2) PUBLIC SAFETY & TRANSPORTATION COMMITTEE requesting to broaden Sec. 19-99, Speed humps of the Revised Ordinances of the City of Newton to cover all vertical deflection: raised intersections, raised crosswalks and speed humps, regardless of dimension. [01/20/10]  
**PS & T APPROVED 4-0-2 (Johnson and Shapiro abstaining) on 06/09/10**  
**APPROVED 4-2 (Gentile and Salvucci opposed)**

#385-07 ALD. SCHNIPPER AND GENTILE updating the Public Facilities Committee on the progress of the Newton North High School Project. [11/21/07 @ 10:23 AM]  
**HELD 7-0**

**REFERRED TO FINANCE COMMITTEE**

Monday, February 14, 2011

Present: Ald. Gentile (Chairman), Linsky, Rice, Danberg, Fuller, and Freedman; absent: Ald. Ciccone and Salvucci; also present: Ald. Sangiolo

**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

**PUBLIC FACILITIES APPROVED 5-0 (Gentile, Albright not voting 2/9/11)**  
**APPROVED 6-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEE**

#42-11

HIS HONOR THE MAYOR requesting a transfer of three hundred thousand dollars (\$300,000) from various departments' salary accounts to supplement the expenditures associated with the removal of snow and ice as follows:

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	0140110-5273	Snow & Ice – Rental Veh.....	\$100,000
	0140110-5532	Snow & Ice – Sand/Salt.....	\$100,000

[01/31/11 @ 5:04 PM]

**PUBLIC FACILITIES APPROVED 6-0 (Gentile not voting 02/09/11)**

**APPROVED 5-0 (Linsky not voting)**

**REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES**

#373-10(2)

ALD. GENTILE, HARNEY, SANGIOLO requesting an amendment to §20-13 of the City of Newton Revised Ordinances to adjust the structure, as well as increase the amount of the fines associated with non-compliance of §20-13, **Noise Control**, to reflect the following: first violation: issuance of a warning; second violation: \$100 fine; third violation: \$200 fine; fourth violation: \$300 fine. [01-05-11 @ 10:00 PM]

**PROG & SERV APPROVED 7-0 (Linsky not voting on 02/09/11)**

**APPROVED AS AMENDED 5-0 (Freedman not voting)**

**REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES**

#360-09(3)

**PROGRAMS AND SERVICES COMMITTEE** requesting the creation of a revolving account for the purpose of managing the fees collected from the granting of off-leash dog licenses. [10/07/2010 @ 2:30pm]

**PROG & SERV APPROVED AS AMENDED 8-0 on 02/09/11**

**APPROVED AS AMENDED 6-0**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#125-09

THE POST AUDIT & OVERSIGHT COMMITTEE requesting creation of a public tree protection ordinance and amendment of the current tree ordinance as recommended in the Tree Preservation Ordinance Report. [04/17/09 @ 9:14 PM]

**PROG & SERV APPROVED 7-0 (Merrill not voting) on 10/6/10**

**APPROVED 6-0**



**REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES**

- #307-10 PROGRAMS AND SERVICES COMMITTEE proposing a RESOLUTION to the Interim Director of Health and Human Services to increase the tobacco seller's license fee. [10/25/210 @ 4:34pm]  
**PROG & SERV NO ACTION NECESSARY 6-0 (Merrill not voting) on 01-19-10**  
**NO ACTION NECESSARY 6-0**

**REFERRED TO COMM. PRES., PUB FAC & FINANCE COMMITTEES**

- #147-08 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$359,400, including \$2,000 for legal costs, be appropriated from the FY'08 Community Preservation Fund's historic resources and general reserves, for a project to rehabilitate and expand storage space for the research library and archives at the Newton History Museum, to preserve the existing collections, and enhance public access to the collections. [04-01-08 @ 4:10 PM]  
**COMMUNITY PRESERVATION APPROVED 6-0 on 4-29-08**  
**(A) DESIGN FUNDS ESTIMATE \$37,500.00 – BOA APPROVED**  
**(B) BALANCE OF PROJECT ESTIMATE \$321,900.00-PUBLIC FACILITIES VOTED NO ACTION NECESSARY ON PART B 8-0 on 05/05/10**  
**NO ACTION NECESSARY ON PART B 6-0**

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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 Kathleen Cahill, 617-796-1125, via email at [KCahill@newtonma.gov](mailto:KCahill@newtonma.gov) or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date