

CITY OF NEWTON
IN BOARD OF ALDERMEN
BOARD ACTIONS

Wednesday, April 20, 2011

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

Absent: Ald. Rice

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

Item recommitted to Finance by full Board on 03/21/11:

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#207-08 ALD. BRANDEL AND SANGIOLO proposing that the following question be put before the Newton voters: "Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bond issuance in order to fund Newton North High School?" [05/21/08 @ 12:58 PM]

PROG & SERV APPROVED 4-3 (Fischman, Rice, Blazar opposed) on 03/09/11

MOTION TO APPROVE FAILED TO CARRY 1-6 (Danberg, Freedman, Fuller, Gentile, Rice, Salvucci opposed)

MOTION TO SUBSTITUTE THE REPORT AND VOTE OF THE PROGRAMS & SERVICES COMMITTEE FOR THE VOTE OF FINANCE WAS APPROVED BY VOICE VOTE.

ITEM DENIED 4 YEAS (Ald. Harney, Hess-Mahan, Linsky, & Sangiolo), 19 NAYS, 1 ABSENT (Ald. Rice)

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

REFERRED TO LAND USE COMMITTEE

Tuesday, April 12, 2011

#337-05(2) NEW CINGULAR WIRELESS by AT&T MOBILITY/COMMONWEALTH HOUSE TRUST petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL/EXTENSION OF A NONCONFORMING STRUCTURE #337-05, granted on 12/19/05, for 6 wireless antennas on the façade of a rooftop penthouse behind a faux-brick stealthing, by adding 3 additional antennas (for a total of 9

antennas) and to extend the faux-brick stealthing at 209 COMMONWEALTH AVENUE, CHESTNUT HILL, Ward 7, on land known as SBL 63, 8, 20, containing approx 20,338 sf of land in a district zoned MULTI RESIDENCE 1. Ref: 30-18(A)(c), 30-24, 30-23, 30-21(b), 30-15 Table 1 of the City of Newton Zoning Ord, 2001.

HEARING CLOSED; LAND USE APPROVED 7-0

#61-11

NEW CINGULAR WIRELESS by AT&T MOBILITY/ANDOVER NEWTON THEOLOGICAL SCHOOL petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to add 3 antennas to an array of 6 existing antennas on a rooftop with ancillary equipment located inside an adjacent building at 216 HERRICK ROAD, Ward 6, on land known as SBL 65, 19, 45, containing approx. 871,960 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-18(A)(c) of the City of Newton Rev Zoning Ord, 2007 and special permit #722-86.

HEARING CLOSED; LAND USE APPROVED 6-0-1 (Fischman abstaining)

REFERRED TO ZONING AND PLANNING COMMITTEE

Monday, April 11, 2011

7-99

ALD. PARKER requesting discussion of possible zoning amendments to create additional residential districts with different FAR and lot size requirements.
ZONING & PLANNING NO ACTION NECESSARY 6-0 (Swiston not voting)

#65-11

TERRENCE P. MORRIS & JOSEPH PORTER proposing an amendment to the zoning ordinance to change the definition of “height” with a concomitant increase in the height to the pre-1997 limits; to make height exceptions in accessory buildings subject to special permit rather than a variance. [03-01-11 @ 1:27PM]
ZONING & PLANNING NO ACTION NECESSARY 7-0

#17-11

TERRENCE P. MORRIS, JOSEPH PORTER, BRUCE BRADFORD, GEORGE COLLINS, VERNE T. PORTER, JR., MICHAEL PEIRCE proposing an amendment to the zoning ordinance for the purpose of changing the definition of “Grade Plane” and adding a new definition for “Average Grade”. [12-28-10 @ 10:22AM]
ZONING & PLANNING NO ACTION NECESSARY 7-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, April 6, 2011

Appointment by His Honor the Mayor

#70-11 SUSAN ROBERTS, 250 Hammond Pond Parkway, 404 South, Chestnut Hill, appointed to the Commission on Disabilities for a term of office to expire on June 30, 2012. [02-28-11 @ 12:33PM]

PROGRAMS & SERVICES APPROVED 8-0

Appointment by His Honor the Mayor

#71-11 ROSEMARY LARKING, 1600 Washington Street, Unit 117, Auburndale, appointed to the Commission on Disabilities for a term of office to expire on June 30, 2013 [02-28-11 @ 12:33PM]

PROGRAMS & SERVICES APPROVED 8-0

Appointment by His Honor the Mayor

#72-11 JINI FAIRLY, 80 Rowena Road, Newton Centre, appointed to the Commission on Disabilities for a term of office to expire on June 30, 2013. [02-28-11 @ 12:33PM]

PROGRAMS & SERVICES APPROVED 8-0

Re-appointment by His Honor the Mayor

#82-11 PAUL ELDRENKAMP, 667 Sawmill Brook Parkway, Newton Centre, reappointed to the Board of Trustees of the Jackson Homestead for a term of office to expire on February 1, 2013 (60 days 5/20/11) [03-14-2011 @ 5:39PM]

PROGRAMS & SERVICES APPROVED 8-0

Re-appointment by His Honor the Mayor

#83-11 KAREN HAYWOOD, 69 Walker Street, Newtonville, reappointed to the Board of Trustees of the Jackson Homestead for a term of office to expire on February 1, 2013 (60 days 5/20/11). [3-14-2011 @ 5:39PM]

PROGRAMS & SERVICES APPROVED 8-0

Re-appointment by His Honor the Mayor

#84-11 LYNN SULLIVAN, 74 Fountain Street, West Newton, reappointed to the Board of Trustees of the Jackson Homestead for a term of office to expire on February 1, 2013 (60 days 5/20/11). [03-14-11 @ 5:39PM]

PROGRAMS & SERVICES APPROVED 8-0**REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES**

#79-11 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred thirty-five thousand two hundred thirty-two dollars (\$235,232) from 2010-2011 E-Rate Reimbursement Funds for the purpose of upgrading school technology. [02/28/11 @ 6:47 PM]

FINANCE APPROVED 6-0 (Freedman not voting) on 04/11/11**PROGRAMS & SERVICES APPROVED 8-0**

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, April 6, 2011

- #98-11 HIS HONOR THE MAYOR requesting the creation of a full time police officer position to raise the complement of officers from 139 to 140 officers from May 1, 2011 to July of 2011 to address the deployment of a police officer to Afghanistan. [03-29-11 @ 5:40 PM]
PUBLIC SAFETY APPROVED 6-0 (Harney not voting)

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #101-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred twenty-five thousand dollars (\$225,000) from Free Cash for the purpose of supplementing the Fire Department overtime account. [03-28-11 @ 1:07 PM]
FINANCE APPROVED 7-0 on 04/11/11
PUBLIC SAFETY APPROVED 6-0 SUBJECT TO 2ND CALL (Harney not voting)

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

MOTION IN PUBLIC SAFETY COMMITTEE TO REPORT THE ITEM ON FIRST CALL WAS APPROVED 8-0

- #113-08 PLANNING DEPARTMENT requesting a presentation and discussion of the Newton Corner Phase 2 Study to be conducted by the Central Transportation Planning Staff. [03/07/08 @ 3:45 PM]
PUBLIC SAFETY NO ACTION NECESSARY 7-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, April 6, 2011

- #86-11 COMCAST OF NEW ENGLAND petition for a Grant of Location to install approximately 180' of conduit, southeasterly, from a new service vault located behind the sidewalk in front of 181 Wells Avenue in order to provide Comcast service to 189 Wells Avenue. [03-10-11 @ 10:44 AM]
PUBLIC FACILITIES APPROVED 6-0 (Lappin and Lennon not voting)
- #214-10(4) COMMISSIONER OF PUBLIC WORKS requesting abandonment of the 80' building setback line along Boylston Street (Route 9) located on the property at 200 – 230 Boylston Street (Chestnut Hill Square) established by Board Order #100483, dated December 3, 1951, as it conflicts with proposed building locations shown on plans related to Special Permit Board Order #214-10 dated 12/06/10. [12-10-10 @ 1:17 PM]
PUBLIC FACILITIES APPROVED 7-0

- #214-10(3) COMMISSIONER OF PUBLIC WORKS, in accordance with Massachusetts General Law Ch. 40, Sec. 15, requesting abandonment of certain City water and drain utility easements located on the property at 200 – 230 Boylston Street (Chestnut Hill Square) as well as relocation of water and drain utilities, utility lines and acceptance of related water and drain utility easements. [12-10-10 @1:17 PM]
PUBLIC FACILITIES APPROVED AS AMENDED 6-0 (Lennon not voting)

REFERRED TO FINANCE COMMITTEE

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #79-11 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred thirty-five thousand two hundred thirty-two dollars (\$235,232) from 2010-2011 E-Rate Reimbursement Funds for the purpose of upgrading school technology. [02/28/11 @6:47 PM]
PROG & SERV APPROVED 8-0 on 04/06/11
FINANCE APPROVED 6-0 (Freedman not voting)

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #101-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred twenty-five thousand dollars (\$225,000) from Free Cash for the purpose of supplementing the Fire Department overtime account.
PS&T APPROVED 6-0 SUBJECT TO 2nd CALL (Harney not voting) on 04/06/11
FINANCE APPROVED 7-0
MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF PUBLIC SAFETY TO POLL HIS COMMITTEE WAS APPROVED BY VOICE VOTE.
MOTION IN PUBLIC SAFETY COMMITTEE TO REPORT THE ITEM ON FIRST CALL WAS APPROVED 8-0

- #78-10 ALD. FULLER, GENTILE, FREEDMAN, JOHNSON, DANBERG AND BAKER requesting a review of the elements of the Financial Management Guidelines of January 2008, together with the Mayor's Office, to ensure they meet the current needs of the City. [03/09/10 @8:23 AM]
FINANCE APPROVED 7-0

- #207-07(4) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended to allow the adjustment of self-funded health insurance plan rates in the event that rates and any accumulated excess resources not meet actual resource requirements. [07-02-08 @12:12 PM]
FINANCE NO ACTION NECESSARY 7-0

- #207-07(2) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended, effective FY10, as follows:
- (A) total resources devoted to all forms of employee compensation shall not exceed the estimated growth in total general fund revenue for the following fiscal year;
 - (B) funds for salary and wage adjustments shall not exceed the difference between total estimated revenue growth and resources needed to fund growth in health/dental and life insurance benefits and growth in the actuarial required contribution for the city's retirement system for each fiscal year;
 - (C) if collective bargaining contracts are not resolved at the time of budget submission, funds budgeted for such contracts shall be held in "municipal and compensation" reserve. [07-02-08 @ 12:12 PM]

FINANCE NO ACTION NECESSARY 8-0

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 3 NAYS (Ald. Lappin, Salvucci, & Lennon), 1 ABSENT (Ald. Rice) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

- #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]
- ZONING & PLANNING SECTION (B) APPROVED 6-0 (Sangiolo not voting)**
- ZONING & PLANNING SECTION (C) APPROVED 5-1-1 (Lappin opposed, Shapiro abstaining)**

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

- #154-10(2) **REFERRED TO ZONING AND PLANNING COMMITTEE**
ZONING AND PLANNING COMMITTEE requesting to amend **Section 30-1 Definitions** by inserting revised definitions for "lot line" and "structure" for clarity. [04-12-11 @ 11:34AM]

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

- #114-11 ALD. HESS-MAHAN proposing to amend section 3-26(a)(2) of the Revised Ordinances to update the list of currently designated tot lots which dogs are prohibited from entering. [04-13-11 @10:52AM]

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:***Public Hearing assigned for May 10, 2011:***

- #279-98(2) SVETLANA OSTROVSKAYA petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL for an EXTENSION of a NONCONFORMING STRUCTURE #279-98, granted on 10/19/98, in order to construct an attached garage in the front setback onto an existing nonconforming single-family dwelling at 14 ROLAND STREET, Ward 8, on land known as SBL 83, 33, 6, containing approx. 14,819 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 3-24, 30-23, 30-21(a)(2)b), 30-21(b), of the City of Newt Rev Zoning Ord, 2007.

Public Hearing assigned for May 10, 2011:

- #104-11 HEIDI K. GARDNER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE into the rear setback by expanding and enclosing an existing breezeway to create a mudroom, increasing the Floor Area Ratio from .369 to .389 at 61 PARK AVENUE, Ward 7, on land known as SBL 73, 7, 15, containing approx. 9,665 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing assigned for May 10, 2011:

- #105-11 SARAH F. BROWN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to construct an addition containing approximately 17 sq. ft. into the side and rear setbacks and to add dormer(s) wider than 50% of the walls below and closer than 3 ft. from the end walls, which will increase the Floor Area Ratio from .55. to .61, and to increase the nonconforming maximum lot coverage from 40.1% to 42.1% at 30 SCHOOL STREET, Ward 1, Newton Corner, on land known as SBL 11, 25, 32, containing approx. 1,671 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(t)(1) and (3) of the City of Newton Rev Zoning Ord, 2007.