

REPORTS DOCKET

April 6: Programs&Services; Public Safety & Transportation; Public Facilities Continued

April 11: Finance; Zoning & Planning

April 12: Land Use

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Monday, April 4, 2011

Newton City Hall

To be reported on

Wednesday, April 20, 2011

CITY OF NEWTON

IN BOARD OF ALDERMEN

REFERRED TO LAND USE COMMITTEE

Tuesday, April 12, 2011

Present: Ald. Hess-Mahan (Chairman), Ald. Merrill, Crossley, Blazar, Fischman, Albright, and Harney; absent: Ald. Schnipper; also present: Ald. Sangiolo

Public Hearings were held on the following items:

#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; ITEM 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; ITEM APPROVED 6-0-1 (Fischman abstaining)

- #80-11 ERROL R. NORWITZ petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an addition and a raised rear deck, increasing the non-conforming Floor Area Ratio from .4196 to .468, at 68 DAY STREET, Auburndale, Ward 4, on land known as SBL 43, 45, 13, containing approx. 8,030 square feet of land in a district zoned Single Residence 3. Ref: Sec 30-24, 30-23, 30-15 Table 1

HEARING CLOSED; ITEM HELD 7-0

REFERRED TO ZONING AND PLANNING COMMITTEE

Monday, April 11, 2011

Present: Ald. Johnson (Chairman), Baker, Sangiolo, Swiston, Yates, Lappin, Shapiro; absent: Ald. Lennon; also present: Ald. Hess-Mahan, Crossley

- # 7-99 ALD. PARKER requesting discussion of possible zoning amendments to create additional residential districts with different FAR and lot size requirements.
NO ACTION NECESSARY 6-0 (Swiston not voting)

- #154-10 ALD. JOHNSON, CROSSLEY and HESS-MAHAN requesting to amend **Section 30-1 Definitions**, by inserting a new definition of “lot area” and revising the “setback line” definition for clarity. [06/01/10 @ 9:25 PM]
HELD 5-0 (Sangiolo and Swiston not voting)

REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES

- #102-11 ALD. HESS-MAHAN, JOHNSON, COMMISSIONER LOJEK, AND CANDACE HAVENS requesting an amendment to Chapter 17 to establish a fee for filing a notice of condo conversion. [03-29-11 @ 4:55PM]
HELD 6-0 (Sangiolo not voting)

- #94-11 ALD. HESS-MAHAN proposing an amendment to the accessory apartment ordinance by adding “no accessory dwelling unit shall be separated by ownership from the principal dwelling unit or structure, including, without limitation, conversion to the condominium form of ownership. Any lot containing an accessory dwelling unit shall be subject to a recorded restriction that restricts the lot owner’s ability to convey interest in the accessory dwelling unit, except leasehold estates” [03-24-11 @ 9:30AM]
HELD 6-0 (Sangiolo not voting)

- #95-11 ALD. HESS-MAHAN proposing an ordinance requiring that a notice of conversion to condominium ownership be filed with the Inspectional Services Department and that the property be inspected to determine compliance with all applicable provisions of the state and local codes, ordinances and the rules and regulations of all appropriate regulatory agencies. [03-24-11 @ 9:30AM]
HELD 6-0 (Sangiolo not voting)

#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 6-0 (Sangiolo not voting)
SECTION (C) APPROVED 5-1-1 (Lappin opposed, Shapiro abstaining)

#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]
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]
NO ACTION NECESSARY 7-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, April 6, 2011

Present: Ald. Sangiolo (Chairman), Baker, Hess-Mahan, Linsky, Blazar, Merrill, Rice; absent: Ald. Fischman

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]
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]
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]

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]

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]

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]

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

APPROVED 8-0

#355-10 PRESIDENT LENNON and ALD. LAPPIN requesting a change to the rules of the Board of Aldermen to eliminate the Real Property & Reuse Committee. Issues regarding reuse of public buildings to be referred to the Public Facilities Committee and issues regarding reuse of City owned land would be referred to the Land Use Committee. Effective date of this change will be January 1, 2012. [11/26/2010 @ 11:59 AM]

REFERRED TO RULES SUBCOMMITTEE 12/8/10

HELD 8-0

#356-10 PRESIDENT LENNON and ALD. LAPPIN requesting a change to the rules of the Board of Aldermen to eliminate the Post-Audit Committee. All post audit/follow-up items will be discussed in the substantive committee that originally heard the item. Effective date of this change will be January 1, 2012. [11/26/2010 @ 11:59 AM]

REFERRED TO RULES SUBCOMMITTEE 12/8/10

HELD 8-0

#357-10 PRESIDENT LENNON and ALD. LAPPIN requesting a change to the rules of the Board of Aldermen to eliminate the Committee on Community Preservation. All Community Preservation items will be referred to the Finance Committee. Effective date of this change will be January 1, 2012. [11/26/2010 @ 11:59 AM]

REFERRED TO RULES SUBCOMMITTEE 12/8/10

HELD 8-0

#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]

REFERRED TO RULES SUBCOMMITTEE on 01-19-11

HELD 8-0

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, April 6, 2011

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

#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]

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

APPROVED 6-0 SUBJECT TO 2ND CALL (Harney not voting)

- #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]
NO ACTION NECESSARY 7-0

REFERRED TO PS&T, PUBLIC FACILITIES AND FINANCE COMMITTEES

- #60-09 ALD. SANGIOLO, GENTILE AND HARNEY requesting the installation of traffic islands on CONCORD STREET to be funded with the Cabot, Cabot and Forbes Traffic Mitigation Fund for Lower Falls (Ward 4). [02/03/09 @ 1:01 PM]
FINANCE NO ACTION NECESSARY 7-0 on 03/08/10
HELD 6-0 (Freedman not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, April 6, 2011

Present: Ald. Schnipper (Chairman), Lennon, Albright, Salvucci, Gentile, Danberg, and Lappin;
absent: Ald. Crossley

- #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]
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]
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]
APPROVED AS AMENDED 6-0 (Lennon not voting)
- #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 6-0 (Lennon not voting)

REFERRED TO FINANCE COMMITTEE

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

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
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
APPROVED 7-0

- #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]
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]
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]
NO ACTION NECESSARY 8-0

Item recommended 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)

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 or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.