

CITY OF NEWTON

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, August 8, 2011

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

Absent: Ald. Baker, Freedman, Gentile and Salvucci

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

#206-11 HIS HONOR THE MAYOR requesting a transfer from the Wage Reserve Account set aside in the Executive Department's FY12 Budget and various health benefit accounts to various departmental payroll accounts for the purpose of funding the costs associated with compensation and health care plan design changes for Hay Grade employees. [07-05-11 @ 2:55 PM]

FINANCE APPROVED 7-0 (Linsky not voting)

MOTION TO POSTPONE TO SEPTEMBER 6, 2011 APPROVED

#207-11 HIS HONOR THE MAYOR requesting a transfer from departmental payroll and health benefit accounts to various departmental payroll accounts in order to fund the cost items set forth in the labor contract agreement with the Newton Municipal Employee's Association (NMEA) for FY12 through FY14. [07-05-11 @ 2:55 PM]

FINANCE APPROVED 7-0 (Linsky not voting)

MOTION TO POSTPONE TO SEPTEMBER 6, 2011 APPROVED

#208-11 HIS HONOR THE MAYOR requesting a transfer from departmental payroll and health benefit accounts to various departmental payroll accounts in order to fund the cost items set forth in the labor contract agreement with the Newton Police Association (NPA) for FY12 through FY14. [07-05-11 @ 2:55 PM]

FINANCE APPROVED 6-0-1 (Fuller abstaining, Linsky not voting)

MOTION TO POSTPONE TO SEPTEMBER 6, 2011 APPROVED

Clerk's Note: The three items above were discussed together. A motion to postpone the items to a date certain of September 6, 2011 was made and seconded. The postponement was requested due to concern that the Board had not yet had a chance to discuss the possibility of moving employees to the GIC and that detailed information on how the healthcare plans negotiated in the contracts

compared with the GIC had not been provided. The maker of the motion did not want to make a motion to recommit the items to Finance as the Chair and Vice Chair were not at the meeting, but did want to have more time to get answers to questions raised, and hoped to have a public discussion on the question of moving employees to the GIC. It was noted that the negotiated contracts have a provision that states that the City will not seek changes in the healthcare plans until the end of the contract. This would preclude the Mayor and the City from joining the GIC for the next three years. Other concerns raised included: the funding of the Quinn Bill in the police contract and the lack of educational funding in the other contracts; the increase in steps in the Police Contract at the end of the 3rd year and how that would affect future contracts; It was also noted that the healthcare changes outlined in the contract had already been implemented and that employees were having to pay the new co-pays and deductibles as of August 1st, why has this taken place before the Board has voted funding? Concern was raised that some of the Board had received information from the Executive Office, but not all of the Board.

The President asked that if anyone on the Board who had questions, or had answers to questions provided by the Executive Department, that they forward them to the Finance Committee Clerk to distribute to the Board and forward to the Executive Office.

The motion to postpone to September 6 was Approved by Voice with two nays (Ald. Ciccone & Lennon).

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 0 NAYS, 4 ABSENT (Ald. Baker, Freedman, Gentile and Salvucci) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

REFERRED TO LAND USE COMMITTEE

Tuesday, July 12, 2011

- #195-11 VIKRAM NARASIMHAN & MARY V. DOYLE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE by adding an addition of approximately 1300 square feet to the rear of an existing single-family residence at 343 OTIS STREET, Ward 3, West Newton, on land known as SBL 32, 3, 14, containing approximately 18,630 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.
HEARING CLOSED; LAND USE APPROVED 7-0
- #196-11 STEVEN & ANDREA FEIN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND A NONCONFORMING STRUCTURE for a garage greater than 700 square feet (approximately 1,110 square feet), extending a structure nonconforming with regard to lot coverage, at 40 LENOX STREET, Ward 2, West Newton, on land known as SBL 32 50 2, containing approximately

15,000 sq ft in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(m)(5)b) and c) of the City of Newton Rev Zoning Ord, 2007.

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

REFERRED TO LAND USE COMMITTEE

Tuesday, July 19, 2011

- #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 FAR 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
LAND USE APPROVED 8-0
- #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 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.
DENIED 5-3 (Hess-Mahan, Albright, and Crossley opposed)
REQUEST FOR WITHDRAWAL WITHOUT PRE JUDICE on August 8th Docket
#7-11(4) 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.
MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF LAND USE TO POLL HIS COMMITTEE WAS APPROVED BY VOICE VOTE.
LAND USE APPROVED THE REQUESTED WITHDRAWAL WITHOUT PREJUDICE 8-0
- #161-11 W/S DEVELOPMENT ASSOCIATES LLC petition for a CHANGE of ZONE from BUSINESS 1 to BUSINESS 4 for land shown as a cross-hatched area on a plan entitled “Plan of Zoning Change Chestnut Hill Shopping Center, Newton Mass.”, by Feldman Land Surveyors, dated May 23, 2011 and known as Sec 63, Blk 37, Lots 18A, 22, 25, 26, and 27, containing ≈20 acres of land at 1-55 BOYLSTON STREET, Ward 7, Chestnut Hill.
LAND USE APPROVED 7-0 (Merrill not voting)

- #161-11(2) W/S DEVELOPMENT ASSOCIATES LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND a NONCONFORMING USE/STRUCTURE to replace an existing 1-story retail portion of a building at 33 BOYLSTON STREET, Ward 7, Chestnut Hill, with a 3-story building and related site improvements including sidewalks, landscaping and parking; allowance for restaurants greater than 50 seats; parking and coordinated improvements to the Frontage Road/Carriage Way contiguous to the site for sidewalk, crosswalk, parking, lighting, access, and landscaping improvements, on land known as Sec 63, Blk 37, Lots 18A, 22, 25, 26, and 27, containing ≈20 acres of land in proposed BUSINESS 4 district. Ref: 30-11I, 30-11(d)(9), 30-11(d)(12), 30-11(j), 30-11(k); 30-15 Table 3; 30-19I(2), 30-19I(3), 30-19(d)(18), 30-19(f), 30-19(h), 30-19(i), 30-19(j), 30-19(l), 30-19(m); 30-20(f), 30-20(l); 30-21(a)(2), 30-21(b); 30-23, 30-24, of the City of Newton Rev Zoning Ord, 2007.
LAND USE APPROVED 6-0-1 (Fischman abstaining; Merrill not voting)
- #161-11(3) CHESTHILL SHOPPING CENTER LLC petition for a CHANGE of ZONE from PUBLIC USE to BUSINESS 4 for land containing ≈1.72 acres of land, located in Ward 7 in Chestnut Hill, shown as Parcels A and B on a plan entitled “Zoning Change Chestnut Hill Shopping Center, Newton, Mass” by Feldman Land Surveyors, dated May 23, 2011.
LAND USE APPROVED 7-0 (Merrill not voting)
- #161-11(4) CHESTHILL SHOPPING CENTER LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for improvements to sidewalks and to Frontage Road/Carriage Way landscaping, parking layout, lighting and access for the Frontage Road/Carriage Way, a portion of Boylston Street along the frontage of the Chestnut Hill Shopping Center, on land shown as Parcels A and B on “Plan of Zoning Change Chestnut Hill Shopping Center, Newton, Mass.” By Feldman Land Surveyors dated May 23, 2011 in a proposed BUSINESS 4 district. Ref: Sec 30-19(m), 30-23, and 30-24 of the City of Newton Rev Zoning Ord, 2007.
LAND USE APPROVED 7-0 (Merrill not voting)
- #161-11(5) **REQUEST TO WITHDRAW WITHOUT PREJUDICE** the request in special permit petition #161-11(2) to waive the *number* of additional parking stalls (590) required at 33 BOYLSTON STREET, Ward 7, Chestnut Hill.
LAND USE APPROVED 7-0

REFERRED TO ZONING AND PLANNING COMMITTEE

Tuesday June 12, 2011

Appointment by His Honor the Mayor

- #164-11(2) ROBERT UNSWORTH, 34 Bradford Road, Newton Highlands, appointed as an alternate member of the Conservation Commission for a term to expire June 30, 2013 [07/01/11 @ 3:13pm]

ZONING & PLANNING APPROVED 6-0-1 (Baker abstaining)

REFERRED TO FINANCE COMMITTEE

Monday, August 1, 2011

REFERRED TO COMMITTEES ON COMMUNITY PRESERVATION & FINANCE

- #103-11 **COMMUNITY PRESERVATION COMMITTEE** recommending that \$1,103,500 be appropriated from the fiscal 2011 housing & general reserves of the Community Preservation Fund to the control of the Director of Planning & Development, for a grant to create 4 units of affordable ownership housing in a mixed-income development at 112-116 Dedham Street, as detailed in the Committee's funding recommendation to the Board of Aldermen. [03-21-11 @ 8:48AM]
COMMITTEE ON COMMUNITY PRESERVATION APPROVAL FAILED TO CARRY 2-2-1 (Lappin and Yates opposed; Blazar abstaining) on 06-28-11
FINANCE MOTION TO APPROVE FAILED TO CARRY 1-5-2 (Fuller voting in the affirmative; Ciccone, Salvucci, Gentile, Rice, Freedman opposed; Linsky and Danberg abstaining)

Clerk's Note: On August 3, 2011, the Community Preservation Committee submitted a letter asking the Board of Aldermen to vote No Action Necessary on this item as the applicant had withdrawn the request for CPC funding.

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

MOTION TO SUBSTITUTE NO ACTION NECESSARY FOR COMMITTEE VOTE WAS APPROVED BY THE FINANCE COMMITTEE 5-0

MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF THE COMMITTEE ON COMMUNITY PRESERVATION TO POLL HER COMMITTEE WAS APPROVED BY VOICE VOTE.

MOTION TO SUBSTITUTE NO ACTION NECESSARY FOR COMMITTEE VOTE WAS APPROVED BY THE COMMITTEE ON COMMUNITY PRESERVATION 8-0

REFERRED TO COMM. ON COMMUNITY PRES AND FINANCE COMMITTEES

- #192-11 **COMMUNITY PRESERVATION COMMITTEE** recommending that \$4,000 be appropriated from the open space reserves of the Community Preservation Fund to the control of the Planning and Development Department, for consulting services to speed completion of Newton's next 5-year *Open Space and Recreation Plan*, as detailed in the CPC's funding recommendation to the Board of Aldermen. [05-26-11 @ 11:39AM]
COMMITTEE ON COMMUNITY PRESERVATION APPROVED 5-0 on 06-28-11
FINANCE APPROVED 7-0 (Danberg not voting)

REFERRED TO POST AUDIT & OVERSIGHT COMMITTEE REPORT

Tuesday, July 26, 2011

REFERRED TO POST AUDIT by ZONING & PLANNING COMMITTEE on 04/25/11

#114-10 ALD. YATES AND RICE requesting reports from the Conservation Commission and Board of Survey on compliance with condition of permits given to allow the development of the Laura Road subdivision. [04/07/10 @ 10:59 PM]
POST AUDIT & OVERSIGHT NO ACTION NECESSARY 4-0

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:***Public Hearing assigned for September 7, 2011:***

#237-11 NSTAR ELECTRIC petitioning for a grant of location to install two poles in MYRTLE AVENUE on the southwesterly side approximately 97' northwest of Seminary Avenue. (Ward 4) [07/08/11 @ 11:12 AM]

Public Hearing assigned for September 7, 2011:

#238-11 NATIONAL GRID petitioning for a grant of location to install and maintain 300' ± of 4" gas main in BROKEN TREE ROAD from the existing 4" gas main in Broken Tree Road northeasterly to provide service to 56, 63, 66, and 74 Broken Tree Road. (Ward 8) [07/26/11 @ 1:18 PM]

Public hearing assigned for September 12, 2011:

#94-11(2) ALD. HESS-MAHAN proposing amendments to Chapter 30, Section 30-1, clarifying that an accessory apartment is an accessory and subordinate use to the principal dwelling on a lot; to Sections 30-8 and 30-9 clarifying that no accessory unit may be held in separate ownership from the principal dwelling and to require that any special permit for an accessory apartment automatically include a condition that the two dwellings may not be held in separate ownership; and to Section 30-22, requiring that a RAAP report Certificate of Occupancy include language clarifying that the accessory apartment must be held in common ownership with the principal dwelling unit and that the owner must dwell in one of the two units.

Public hearing assigned for September 12, 2011:

#26-11(2) PLANNING AND DEVELOPMENT BOARD submitting in accordance with Section 7-2 of the City Charter an amendment to the 2007 Newton Comprehensive Plan to create a new Mixed Use Centers Element to be numbered section 3.A in the Comprehensive Plan and to include a vision and guidance for the development or redevelopment of large mixed-use centers.

Public Hearing Assigned for September 13, 2011:

#210-11 BONNIE & DAVID RISHIKOF petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND A NONCONFORMING STRUCTURE to construct a 2-story rear addition, increasing the Floor Area Ratio as of 10/15/11 from .57 to .6; add a shed dormer; reconfigure the exterior front landing and stairs in the front setback and construct a retaining wall greater than 4 feet in the rear setback of an existing single-family dwelling at 56 WALDORF ROAD, Ward 5, on land known as SBL 54, 47, 3, containing approx. 5,403 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u)(2), 30-15(t)(1) and (3), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing Assigned for September 13, 2011:

#211-11 EASTERN BEVERAGE GROUP/EMK NEWTON CENTRE REALTY, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND/ALTER A NONCONFORMING USE from a retail market to a retail liquor store with associated signage at 543-545 COMMONWEALTH AVENUE, Ward 7, on land known as SBL 73, 45, 19, in a district zoned MULTI RESIDENCE 1. Ref: special permit #166-99, Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing Assigned for September 13, 2011:

#212-11 MATTHEW S. & RENEE L. LEVIN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to create a garage, an indoor basketball court and game room in an existing detached carriage house at 28 SARGENT STREET, Ward 7, on land known as SBL 73, 8, 10 containing approx. 46,990 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing Assigned for September 13, 2011:

#213-11 GALINA SLEZINGER/DAVID T. ZUSSMAN, TR. petition for a SPECIAL PERMIT to expand an existing restaurant to allow a portion of the restaurant to be used as a function room on certain evenings and to waive the parking requirements associated with a restaurant greater than 50 seats at 54-57 UNION STREET, Ward 6, Newton Centre, on land known as SBL 61, 36, 7, in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-11(d)(9), 30-19(d)(13), and 30-19(m) of the City of Newton Rev Zoning Ord, 2007.