

REPORTS DOCKET

Sept. 7: Programs&Services; Public Safety&Transportation; Public Facilities Continued

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Tuesday, September 6, 2011

Newton City Hall

To be reported on

Monday, September 19, 2011

CITY OF NEWTON

IN BOARD OF ALDERMEN

REFERRED TO LAND USE COMMITTEE

Tuesday, September 13, 2011

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

#209-11 CANDACE HAVENS recommending the appointment of GLORIA GAVRIS as the Boston College Chestnut Hill campus representative to the Boston College Neighborhood Council pursuant to condition #13 of special permit #101-93.
APPROVED 6-0 (Harney not voting)

Public Hearings were held on the following items:

#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 allowed 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.
HEARING CLOSED; APPROVED 5-0-2 (Blazar, Crossley abstaining)
WITHDRAWAL WITHOUT PREJUDICE FOR RELIEF TO
CONSTRUCT A RETAINING WALL GREATER THAN 4' IN THE REAR
SETBACK APPROVED 7-0

#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.

HEARING CLOSED; HELD 7-0

#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.

HEARING CLOSED; APPROVED 7-0

#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.

HEARING CLOSED

REFERRED TO ZONING AND PLANNING COMMITTEE

Monday, September 12, 2011

Present: Ald. Johnson, Baker, Sangiolo, Swiston, Shapiro, Yates; Absent: Ald. Lappin, Lennon; also present: Ald. Fuller, Crossley, Danberg

#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] (Planning Board report submitted April 5, 2011).

NO ACTION NECESSARY 6-0

- #94-11 ALD. HESS-MAHAN proposing to amend 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.”
NO ACTION NECESSARY 4-0 (Sangiolo, Baker not voting)

Public hearing assigned for September 26, 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.
HELD 6-0

- #49-11 ALD. JOHNSON on behalf of the Zoning & Planning Committee requesting the Director of Planning & Development and Commissioner of Inspectional Services review with the Zoning & Planning Committee the FAR data collected during the eight months prior to the new FAR going into effect and the 12 months after. Review should occur no less than bi-monthly but may occur monthly, based on the permits coming into the departments.
HELD 6-0

- #81-11 ALDERMEN JOHNSON, CROSSLEY, HESS-MAHAN, LAPPIN & DANBERG requesting the Director of Planning & Development and the Chair of the Zoning Reform Scoping Group provide updates on the Scoping Group’s Progress; updates will occur at the frequency determined by the Chairs.
HELD 5-0 (Baker not voting)

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, September 7, 2011

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

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #263-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred thousand dollars (\$100,000) from FY12 Budget Reserve for the purpose of funding tree emergency expenses in the Parks & Recreation Department resulting from the the recent tropical storm. [08/11/30 @ 2:27 PM]
FINANCE APPROVED 7-0 (Freedman not voting) AS AMENDED @ \$450,000 on 9/12/11
APPROVED 7-0 AS AMENDED @ \$450,000

Appointment by His Honor the Mayor

#224-11 LUCY CALDWELL-STAIR, 46 Woodcliff Road, West Newton, appointed to the Board of Trustees of the Jackson Homestead for a term of office to expire February 1, 2014 (60 days 10-07-11). [07-20-11 @ 4:04PM]

APPROVED 7-0

Re-appointment by His Honor the Mayor

#221-11 ROY KISLIUK, 65 Grasmere Street, Newton, re-appointed to the Boston College Institutional Biotechnology Committee for a term of office to expire March 30, 2014 (60 days 10-07-11). [08-01-11 @ 11:27AM]

APPROVED 7-0

Re-appointment by His Honor the Mayor

#222-11 FRANCIS RICE, 2360 Commonwealth Avenue, Auburndale, re-appointed as the Ward 4 member of the Parks and Recreation Commission for a term to expire on January 1, 2014 (60 days 10-07-11). [07-22-11 @ 1:29PM]

APPROVED 7-0

Re-appointment by His Honor the Mayor

#223-11 ARTHUR MAGNI, 107 Mount Vernon Street, West Newton, re-appointed as the Ward 2 member of the Parks and Recreation Commission for a term of office to expire January 1, 2014 (60 days 10-07-11). [07-20-11 @ 4:04PM]

APPROVED 7-0

Re-appointment by His Honor the Mayor

#225-11 MARIETTA MARCHITELLI, 100 Waverley Ave, Newton, re-appointed to the Board of Trustees of the Jackson Homestead for a term of office to expire February 1, 2014 (60 days 10-07-11). [07-20-11 @ 4:04PM]

APPROVED 7-0

Re-appointment by His Honor the Mayor

#226-11 RUSSELL FELDMAN, 85 Langley Road, Newton Centre, re-appointed to the Board of Trustees of the Jackson Homestead for a term of office to expire February 1, 2014 (60 days 10-07-11). [07-20-11 @ 4:03PM]

APPROVED 7-0

Re-appointment by His Honor the Mayor

#227-11 MICHAEL CLARKE, 1115 Beacon Street, Newton Highlands, re-appointed as an alternate member of the Parks and Recreation Commission for a term of office to expire January 1, 2014 (60 days 10-07-11).[07-20-11 @ 3:05PM]

APPROVED 7-0

Re-appointment by His Honor the Mayor

#228-11 KATHLEEN HEITMAN, 751 Saw Mill Brook Parkway, Newton Centre,-
appointed as the Ward 8 member of the Parks and Recreation Commission for a
term of office to expire on June 30, 2014 (60 days 10-07-11). [07-20-11 @
3:05PM]

APPROVED 7-0

Re-appointment by His Honor the Mayor

#229-11 WALTER BERNHEIMER, 75 Winslow Road, Waban, re-appointed as the Ward
5 member of the Parks and Recreation Commission for a term of office to expire
on January 1, 2013 (60 days 10-07-11). [07-20-11 @ 3:04PM]

APPROVED 7-0

Re-appointment by His Honor the Mayor

#230-11 BARBARA SMILEY, 1073 Walnut Street, Newton Highlands, re-appointed to
the Urban Tree Commission for a term of office to expire June 1, 2014 (60 days
10-07-11). [07-20-11 @ 2:14PM]

APPROVED 7-0

Re-appointment by His Honor the Mayor

#231-11 KATHERINE ANN HOWARD, 84 Fenwick Road, Waban, re-appointed to the
Urban Tree Commission for a term of office to expire June 1, 2013 (60 days 10-
07-11). [07-20-11 @ 2:14PM]

APPROVED 7-0

Re-appointment by His Honor the Mayor

#232-11 JULIA MALAKIE, 50 Murray Road, West Newton, appointed to the Urban Tree
Commission for a term of office to expire June 1, 2012 (60 days 10-07-11). [07-
20-11 @ 2:14PM]

APPROVED 7-0

#82-07 ALD. YATES requesting that the City of Newton take all possible steps to
persuade the General Court to allow municipalities to tax all telecommunications
facilities in the City, which would yield ≈\$1.6 million annually for Newton.

NO ACTION NECESSARY 7-0

#83-07(2) ALD. YATES proposing a RESOLUTION to the City's representatives and
senator in the General Court asking them to co-sponsor the legislation of the
Massachusetts Municipal Association that would give cities and towns the same
power to determine their health care costs that agencies of the State
have.[9/13/2010 @ 9:38am]

NO ACTION NECESSARY 7-0

#98-10 ALD. YATES requesting that the Board of Aldermen and His Honor the Mayor take all possible steps to change state law to save local costs by giving cities and towns the right to negotiate health plans on the same basis as the Commonwealth. Such steps would include, but not be limited to, joining the Coalition to Save our Communities and notifying our city legislators of our urgent concern about this matter. [03/23/10 @ 4:29 PM]

NO ACTION NECESSARY 7-0

#206-10 VETERANS' AGENT requesting a discussion and support for the replacement of the WWII Honor Roll on the grounds of City Hall at the intersection of Walnut Street and Commonwealth Avenue. [07/06/10 @ 4:41 PM]

NO ACTION NECESSARY 7-0

#205-11 ALD. SANGIOLO, GENTILE, HARNEY, LINSKY requesting a discussion with the School Committee regarding a proposal to enter into contractual relationships with the Newton Schools Foundation to sell naming rights on behalf of the Newton Public Schools. [06/22/2011 @ 8:32AM]

HELD 7-0

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, September 7, 2011

Present: Ald. Ciccone (Chairman), Harney, Johnson, Swiston, Shapiro, Yates, Freedman, and Fuller

#253-11 HIS HONOR THE MAYOR requesting the confirmation of Bruce Proia as Newton's Fire Chief, effective August 1, 2011 pursuant to Section 3-3 of the City Charter. (30 days 10/6//11). [08/01/11 @ 5:25 PM]

APPROVED 7-0 (Freedman not voting)

Re-appointment by His Honor the Mayor:

#235-11 JEROME GRAFE, 21 Oakland Street, Newton, re-appointed to the Traffic Council for a term of office to expire on March 31, 2014 (60 days 10/07/11). [07/20/11 @ 3:04 PM]

APPROVED 7-0 (Freedman not voting)

#234-11 HIS HONOR THE MAYOR, requesting a review of proposed locations for several new bus shelters, which are proposed to be installed in various locations throughout the City. [06/02/11 @ 2:31 PM]

NO ACTION NECESSARY 8-0

#236-11 MARY LAWLOR, 251 Grant Avenue, filing on June 29, 2011 an appeal from the decision of the Traffic Council on June 23, 2011 to approve TC35-11c) as follows:

(c) No parking on Beacon Street westbound (north side) from Grant Avenue to Dalton Road. (Wards 6 & 7)

APPEAL APPROVED AS AMENDED 6-2 (Freedman and Johnson opposed)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, September 7, 2011

Present: Ald. Schnipper (Chairman), Albright, Salvucci, Gentile, Crossley, Danberg, and Lappin; absent: Ald. Lennon; also present: Ald. Fuller, Sangiolo, and Yates

Public Hearing to be 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]

APPROVED AS AMENDED 6-0 (Gentile not voting)

Public Hearing to be 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]

APPROVED 6-0 (Gentile not voting)

Public hearing assigned for September 21, 2011:

#259-11 NextG NETWORKS OF NY, INC. petitioning for a grant of location to install 295' ± of underground conduit in SUMNER STREET on the easterly side approximately 58' from Alden Street in a southerly direction to the intersection of Rice Street and attach aerial fiber and related equipment to existing utility poles at the following locations:

Aerial Locations

Centre Street - 2,140' of aerial fiber attachment to exiting poles

Alden Street - 485' of aerial fiber attachment to existing poles

Sumner Street - 2,460' of aerial fiber attachment to existing poles

Ward Street - 1,050' of aerial fiber attachment to existing poles

Westbourne Road – 790' of aerial fiber attachment to existing poles

Everett Street 935' of aerial fiber attachment to existing poles

Dalton Road – 435' of aerial fiber attachment to existing poles

Grant Avenue – 530' of aerial fiber attachment to existing poles

Beacon Street – 1,925' of aerial fiber attachment to existing poles

Langley Road – 530’ of aerial fiber attachment to existing poles
 Braeland Avenue - 1.095’ of aerial fiber attachment to existing poles
 Cypress Street – 410’ of aerial fiber attachment to existing poles
 [07/28/11 @ 3:36 PM]

HELD 6-0 (Gentile not voting)

REFERRED TO PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEE

#99-11 ALD. ALBRIGHT, JOHNSON, and DANBERG requesting that the Department of Public Works coordinate data on the impact of the snow removal ordinance from the Department of Public Works, Parks and Recreation Department, Executive Office, and Senior Services into a monthly report for the winters 2012 and 2013, which will be sent to the Public Facilities Committee of the Board of Aldermen that includes the following data: (1) the number of people requesting exemptions; (2) the number of exemptions awarded; (3) the number of warning letters sent; (4) the ability of the City to maintain the same standard regarding treating the surface to preserve safe passage; and (5) cost of the implementation of the program. 03/29/11 @ 11:43 PM]

HELD 6-0 (Danberg not voting)

#124-11 ALD. CROSSLEY, DANBERG, ALBRIGHT, LAPPIN, SANGIOLO, AND SCHNIPPER requesting a discussion with the Public Works and Parks & Recreation Departments regarding emergency stockpiling of snow, tree limbs, and other storm-related debris to include the mapping of potential sites, priority use of the sites, and site preparation prior to use, for the purpose of assuring both effective City operations throughout the year, while protecting and preserving Newton’s park lands. [03/29/11 @1:47 PM]

HELD 6-0 (Salvucci not voting)

#172-11 ALD. CROSSLEY, FULLER AND SCHNIPPER requesting discussion with the Utilities Division of the Public Works Department regarding the identification of storm water inflow connections to the sewer system, so as to begin the process of systematically eliminating such illegal connections, including notifications to property owners, educational materials, requirements for corrective actions and technical and financial assistance that may be available from the City in order to facilitate removal of inflow connections. [05/26/11 @3:33 PM]

HELD 6-0 (Salvucci 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 (Salvucci not voting)

REFERRED TO FINANCE COMMITTEE

Monday, September 12, 2011

Present: Ald. Gentile (Chairman), Ciccone, Linsky, Salvucci, Rice, Danberg, Fuller and Freedman

Reappointment by His Honor the Mayor:

#240-11 CAROL ANN SHEA, 24 Milo Street, West Newton, reappointed as a member of the NEWTON TAXATION AID COMMITTEE for a term of office to expire May 1, 2014 (60 days 10/07/11). [07-20-11 @ 4:03 PM]
APPROVED 5-0 (Ciccone, Freedman, Linsky not voting)

#261-11 HIS HONOR THE MAYOR requesting authorization to accept and appropriate a gift of thirty-eight thousand dollars (\$38,000) from private donations for the purpose of acquiring a dog for the Police Department's new canine program. [08/29/11 @ 3:50 PM]
APPROVED 7-0 (Freedman not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#263-11 HIS HONOR THE MAYOR requesting authorization to requesting authorization to appropriate and expend one hundred thousand dollars (\$100,000) from FY12 Budget Reserve for the purpose of funding tree emergency expenses in the Parks and Recreation Department as a result of the recent tropical storm. [08/30/11 @ 2:27 PM]
PROGRAMS & SERVICES APPROVED 7-0 AS AMENDED @\$450,000 on 09/07/11
APPROVED AS AMENDED 7-0 (Freedman not voting) @\$450,000

#311-10(G1A)HIS HONOR THE MAYOR requesting authorization to transfer the sum of thirty-two thousand four hundred twenty-one dollars (\$32,421) from the Angier School Boiler Replacement Project to the Bowen School Boiler Replacement project. [08/01/11 @ 2:23 PM]
APPROVED 8-0

#311-10(G2A)HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty-five thousand dollars (\$25,000) from the Williams School Boiler Replacement Project and the sum of twenty-five thousand dollars (\$25,000) from the Countryside School Lift Installation Project to the Countryside School Boiler Replacement Project. [08/01/11 @ 2:23 PM]
APPROVED 8-0

- #242-11 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 Superior Officers' Association for FY12 through FY14. [08/01/11 @ 2:19 PM]
APPROVED 6-0-2 (Fuller, Linsky abstaining)
- #243-11 HIS HONOR THE MAYOR requesting transfers from various accounts in order to fund the cost items set forth in the FY09 through FY11 and the FY12 through FY14 labor contract agreements with the International Association of Firefighters, IAFF Local 863. [08/01/11 @ 2:20 PM]
APPROVED 6-0-2 (Fuller, Linsky abstaining)
- #244-11 HIS HONOR THE MAYOR requesting transfers from various accounts in order to fund the cost items set forth in the FY09 through FY11 and the FY12 through FY14 labor contract agreements with the American Federation of State, County and Municipal Employees, Local 2913, the Parking Enforcement and Traffic Supervisors Unions. [08/01/11 @ 2:22 PM]
APPROVED 6-0-2 (Fuller, Linsky abstaining)
- #245-11 HIS HONOR THE MAYOR requesting transfers from various accounts in order to fund the cost items set forth in the FY09 through FY11 and the FY12 through FY14 labor contract agreements with the City of Newton Engineers' Association. [08/01/11 @ 2:21 PM]
APPROVED 6-0-2 (Fuller, Linsky abstaining)
- #246-11 HIS HONOR THE MAYOR requesting transfers from various accounts in order to fund the cost items set forth in the FY09 through FY11 and the FY12 through FY14 labor contract agreements with the Massachusetts Nurses Association. [08/01/11 @ 2:20 PM]
APPROVED 6-0-2 (Fuller, Linsky abstaining)
- #247-11 HIS HONOR THE MAYOR requesting transfers from various accounts in order to fund the cost items set forth in the FY09 through FY11 and the FY12 through FY14 labor contract agreements with the American Federation of State, County and Municipal Employees, Local 2443, the Foremen's Union. [08/01/11 @ 2:21 PM]
APPROVED 6-0-2 (Fuller, Linsky abstaining)
- #178-11(2) HIS HONOR THE MAYOR requesting transfers from various accounts in order to fund the cost items set forth in the amended FY12 through FY14 labor contract agreement with the American Federation of State, County and Municipal Employees, Local 3092 and Local 3092B. [08/01/11 @ 2:21 PM]
APPROVED 6-0-2 (Fuller, Linsky abstaining)

- #260-11 HIS HONOR THE MAYOR requesting a transfer in the amount of seven thousand eight hundred fifty dollars (\$7,850) from Wage Reserve to various departmental payroll accounts in order to fund an increase to the annual longevity payments for Hay Grade employees. [08-29-11 @ 3:50 PM]
APPROVED 6-0-2 (Fuller, Linsky abstaining)
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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 Trisha Guditz, 617-796-1156, via email at TGuditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.