

**CITY OF NEWTON**

**IN BOARD OF ALDERMEN**

**BOARD ACTIONS**

Monday, October 17, 2011

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

Absent: Ald. Freedman

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

**REFERRED TO LAND USE COMMITTEE**

#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.

**LAND USE APPROVED 5-0-2 (Blazar and Merrill abstaining)**

**MOTION TO POSTPONE TO NOVEMBER 9, 2011 WAS DENIED 11 YEAS (Ald. Baker, Danberg, Fuller, Gentile, Lappin, Linsky, Merrill, Sangiolo, Shapiro, Yates, Lennon), 12 NAYS, 1 ABSENT (Ald. Freedman)**

**ITEM CHARTERED BY ALD. BAKER**

**Clerk's Note:** A motion to postpone the item was offered by Ald. Baker. Discussion in favor of postponement centered on the need for Aldermen who are not on the Land Use Committee to have the opportunity to review the language of the special permit and to visit the site. Those against postponement noted that the item had been properly vetted over the course of two Land Use Committee meetings, that the petitioner was in agreement with the conditions, that the neighbors who had attended the Land Use Committee meeting had been heard, and that concerns over the stores becoming a full package store had been addressed. After the motion to postpone was denied, Ald. Baker chartered the item.

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 0 NAYS, 1 ABSENT (Ald. Freedman) TO TAKE THE FOLLOWING ACTIONS:**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, October 11, 2011

#248-11 MARK SHOHAM petition for a Special Permit/Site Plan Approval to legalize an existing accessory apartment with associated landscaping/lighting/parking waivers at 308 HOMER STREET, Ward 6, on land known as SBL 64, 7, 33, containing ≈14, 881 sq. ft. of land in a district zoned Single Residence 2. Ref: Sec 3-24, 30-23, 30-8(d)(2), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

**LAND USE PUBLIC HEARING CLOSED; APPROVED 7-0**

#264-11 MARK & LISA KOZAK petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow two parking stalls in the front setback at 119 FALMOUTH ROAD, Ward 3, West Newton, on land known as SBL 34, 47, 16, containing approximately 7,716 sq. ft. of land in a district zoned Single Residence 3. Ref: Sec 30-24, 30-23, 30-19((g)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

**LAND USE PUBLIC HEARING CLOSED; APPROVED 7-0**

**REFERRED TO ZONING AND PLANNING COMMITTEE**

Wednesday October 12, 2011

#133-03 ALD. YATES proposing an amendment to Chapter 30 requiring a special permit for a so-called "snout house" (one with excessive/intrusive garage on the front) following the example of Fort Collins, Colorado.

**ZONING & PLANNING NO ACTION NECESSARY 7-0**

#475-08 ALD. HESS-MAHAN, DANBERG, JOHNSON, SWISTON, & PARKER proposing that the City of Newton accept the provisions of GL chapter 43D, a local option that allows municipalities to provide an expedited permitting process and promote targeted economic development. [12/09/08 @ 9:41 AM]

**ZONING & PLANNING NO ACTION NECESSARY 7-0**

#253-10(2) ZONING & PLANNING COMMITTEE supporting the establishment of a Brightfield Solar Energy Array, subject to neighborhood input, on the Flowed Meadow site similar to the one in Brockton. [02-15-2011 @10:01am]

**ZONING & PLANNING NO ACTION NECESSARY 7-0**

#288-06 ALD. MANSFIELD, DANBERG, PARKER proposing that Sec 30-11(a), (b), and (d) of Chapter 30 be amended to allow banks and other financial institutions only by special permit in Business 1, 2, 3 and 4 districts.

**ZONING & PLANNING NO ACTION NECESSARY 7-0**

#440-04 ALD. JOHNSON, BAKER & LAPPIN proposing a definition of “accessory structure” which will include mechanical equipment.  
**ZONING & PLANNING NO ACTION NECESSARY 7-0**

#20-99 ALD. YATES proposing that Chapter 30 be amended by removing radio and television towers as allowed uses in the Mixed Use 1 district.  
**ZONING & PLANNING NO ACTION NECESSARY 7-0**

**REFERRED TO PROGRAMS AND SERVICES COMMITTEE**

Wednesday October 5, 2011

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

#268-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend \$470,292 from FY12 Free Cash for the purpose of funding additional appropriations in the School Department. The amount reflects an increase in the Medicaid Direct Services reimbursements. [09/12/11 @4:39 PM]  
**FINANCE APPROVED 7-0 on 10/12/11**  
**PROGRAMS & SERVICES APPROVED 5-0 SUBJECT TO 2nd CALL**  
**(Baker not voting)**

**MOTION TO SUSPEND THE RULES TO ALLOW THE VICE CHAIR OF PROGRAMS & SERVICES TO POLL HIS COMMITTEE WAS APPROVED BY VOICE VOTE**

**MOTION IN PROGRAMS & SERVICES TO SUBSTITUTE THE REPORT AND VOTE OF FINANCE FOR THE PROGRAMS & SERVICES VOTE AND REPORT WAS APPROVED 8-0**

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

#269-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend \$200,000 for the purpose of funding additional appropriations in the School Department. This amount reflects an increase in the State Chapter 70 Education Funding. [09/12/11 @4:39 PM]  
**FINANCE APPROVED 7-0 on 10/12/11**  
**PROGRAMS & SERVICES APPROVED 5-0 SUBJECT TO 2<sup>nd</sup> CALL**  
**(Baker not voting)**

**MOTION TO SUSPEND THE RULES TO ALLOW THE VICE CHAIR OF PROGRAMS & SERVICES TO POLL HIS COMMITTEE WAS APPROVED BY VOICE VOTE**

**MOTION IN PROGRAMS & SERVICES TO SUBSTITUTE THE REPORT AND VOTE OF FINANCE FOR THE PROGRAMS & SERVICES VOTE AND REPORT WAS APPROVED 8-0**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, October 5, 2011

**REFERRED TO PUB. FACILITIES AND PUBLIC SAFETY & TRAN. COMMITTEES**

#255-11 ALD. BAKER, GENTILE, SCHNIPPER, CICCONE, FULLER, SHAPIRO requesting discussion of preparation for, response during, and follow up after, Tropical Storm Irene by the City of Newton, including co-ordination by the Mayor's office and the various City Departments involved. [08/29/11 @ 2:09 PM]

**PUBLIC FACILITIES NO ACTION NECESSARY 6-0 on 10/5/11****PUBLIC SAFETY NO ACTION NECESSARY 4-0 (Johnson, Yates and Swiston not voting)****REFERRED TO PUB. FACILITIES AND PUBLIC SAFETY & TRAN. COMMITTEES**

#256-11 ALD. SHAPIRO, CICCONE, BAKER requesting a discussion how the City uses information systems as well as people to collect and process information from residents impacted by a storm or other emergency event, and ways to establish or improve the manner in which triage is performed and prioritized to increase public safety with the appropriate response. [08/29/11 @ 9:25 PM]

**PUBLIC FACILITIES NO ACTION NECESSARY 4-0 on 10/5/11****PUBLIC SAFETY NO ACTION NECESSARY 4-0 (Johnson, Yates and Swiston not voting)**

#281-11 DAY MIDDLE SCHOOL PTO applying for a license pursuant to GL chapter 10 §38 to play bingo and award prizes (in lieu of money) for an F.A. Day Middle School "Bingo & Board Games" social and fundraiser on Saturday, October 22 from 8PM to 11PM at The New Art Center in Newtonville. [09-30-11@ 2:52PM]

**PUBLIC SAFETY APPROVED 4-0 (Fuller, Yates and Swiston not voting)**

#264-09 ALD. HESS-MAHAN proposing to amend Sections 19-166, 19-219 and 26-16 of the Revised Ordinances to allow certain two wheel vehicles, including motorized vehicles that must register as limited use vehicles pursuant to the MGL CH. 90 as amended by Chapter 523 of the Acts of 2008, to continue to park on sidewalks. [09/01/09 @ 11:40 AM]

**PUBLIC SAFETY NO ACTION NECESSARY 5-0 (Fuller and Yates not voting)****REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, October 5, 2011

**REFERRED TO PUB. SAF. & TRANS. AND PUBLIC FACILITIES COMMITTEES**

#255-11 ALD. BAKER, GENTILE, SCHNIPPER, CICCONE, FULLER, SHAPIRO requesting discussion of preparation for, response during, and follow up after, Tropical Storm Irene by the City of Newton, including co-ordination by the

Mayor's office and the various City Departments involved. [08/29/11 @ 2:09 PM]

**PUBLIC SAFETY NO ACTION NECESSARY 4-0 on 10/5/11**

**PUBLIC FACILITIES NO ACTION NECESSARY 6-0 (Lennon and Lappin not voting)**

**REFERRED TO PUB. SAF. & TRANS. AND PUBLIC FACILITIES COMMITTEES**

- #256-11 ALD. SHAPIRO, CICCONE, BAKER requesting a discussion how the City uses information systems as well as people to collect and process information from residents impacted by a storm or other emergency event, and ways to establish or improve the manner in which triage is performed and prioritized to increase public safety with the appropriate response. [08/29/11 @ 9:25 PM]  
**PUBLIC SAFETY NO ACTION NECESSARY on 10/5/11**  
**PUBLIC FACILITIES NO ACTION NECESSARY 6-0 (Lennon and Lappin not voting)**
- #22-10 ALD. YATES & DANBERG requesting a report from current and former members of the Design Review Committee on the treatment of the members of the committee relevant to the Newton North High School Project. [01/04/10 @8:16 PM]  
**PUBLIC FACILITIES NO ACTION NECESSARY 4-0 (Albright, Danberg, Lappin, Lennon not voting)**
- #397-09 NSTAR ELECTRIC petitioning for a grant of location to install a new pole (233/4-1X on the northeasterly side of HOMER STREET opposite Grafton Street. (Ward 6) [11-10-09 @ 12:24 PM]  
**PUBLIC FACILITIES NO ACTION NECESSARY 4-0 (Albright, Danberg, Lappin, Lennon not voting)**
- #224-06(2) ALD. LINSKY, ALBRIGHT & JOHNSON, BAKER & SCHNIPPER requesting further deliberation on the conditions set forth in the Site Plan Approval Board Order relating to the Newton North High School project, considering possible expansion and modification of the conditions.  
**PUBLIC FACILITIES NO ACTION NECESSARY 4-0 (Albright, Danberg, Lappin, Lennon not voting)**
- #386-04 ALD. SANGIOLO, HESS-MAHAN, JOHNSON, AND DANBERG proposing an ordinance to require that designers selected have LEED certification and include high performance/life cycle analysis for all municipal construction projects in the City of Newton.  
**PUBLIC FACILITIES NO ACTION NECESSARY 4-0 (Albright, Danberg, Lappin, Lennon not voting)**

**REFERRED TO FINANCE COMMITTEE**

Wednesday, October 12, 2011

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

#269-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend \$200,000 for the purpose of funding additional appropriations in the School Department. This amount reflects an increase in the State Chapter 70 Education Funding. [09/12/11 @4:39 PM]

**PROGRAMS & SERVICES APPROVED SUBJECT TO 2<sup>nd</sup> CALL 5-0  
(Baker not voting) on 10/05/11  
FINANCE APPROVED 7-0**

**MOTION TO SUSPEND THE RULES TO ALLOW THE VICE CHAIR  
OF PROGRAMS & SERVICES TO POLL HIS COMMITTEE WAS  
APPROVED BY VOICE VOTE**

**MOTION IN PROGRAMS & SERVICES TO SUBSTITUTE THE  
REPORT AND VOTE OF FINANCE FOR THE PROGRAMS &  
SERVICES VOTE AND REPORT WAS APPROVED 8-0**

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

#268-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend \$470,292 from FY12 Free Cash for the purpose of funding additional appropriations in the School Department. The amount reflects an increase in the Medicaid Direct Services reimbursements. [09/12/11 @4:39 PM]

**PROGRAMS & SERVICES APPROVED SUBJECT TO 2<sup>nd</sup> CALL 5-0  
(Baker not voting) on 10/05/11  
FINANCE APPROVED 7-0**

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OF PROGRAMS & SERVICES TO POLL HIS COMMITTEE WAS  
APPROVED BY VOICE VOTE**

**MOTION IN PROGRAMS & SERVICES TO SUBSTITUTE THE  
REPORT AND VOTE OF FINANCE FOR THE PROGRAMS &  
SERVICES VOTE AND REPORT WAS APPROVED 8-0**

#214-10(5) HIS HONOR THE MAYOR requesting the approval of the Economic Development Proposal for the Chestnut Hill Square Project and authorization of the final joint City of Newton and New England Development Corporation application for funding through the Infrastructure Investment Incentive Program (I-Cubed) of the Economic Development Proposal once the developer has received preliminary approval and settled all outstanding issues. [06/13/11 @ 6:05 PM]

**APPROVED 7-0**

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

**MOTION IN FINANCE TO SUBSTITUTE HOLD FOR APPROVAL  
WAS APPROVED 7-0**

**Clerk's Note:** After the Finance Committee voted to approve this item at their meeting on October 12, 2011 it was discovered that the item needs a Public Hearing as part of the Investment Incentive Program acceptance process. The Committee approved to change their vote to hold on the item in order to conduct the Public Hearing. The Public Hearing was assigned for November 14, 2011.

**PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:**

*Public Hearing assigned for November 9, 2011:*

#296-11 HIS HONOR THE MAYOR submitting a reorganization plan pursuant to City Charter §6-2 to change the assignment of responsibility of the Inspector of Weights and Measures from the Veterans' Services Department to the Department of Health and Human Services. [10-11-11@4:40PM]

*Public Hearing assigned for November 9, 2011:*

#297-11 HIS HONOR THE MAYOR submitting a reorganization plan pursuant to City Charter §6-2 to change the assignment of responsibility of the Licensing Board of Commissioners Administrative Director/Agent from the Veterans' Services Department to the Department of Health and Human Services. [10-11-11@4:40PM]

*Public Hearing assigned for November 14, 2011:*

#214-10(5) HIS HONOR THE MAYOR requesting the approval of the Economic Development Proposal for the Chestnut Hill Square Project and authorization of the final joint City of Newton and New England Development Corporation application for funding through the Infrastructure Investment Incentive Program (I-Cubed) of the Economic Development Proposal once the developer has received preliminary approval and settled all outstanding issues. [06/13/11 @ 6:05 PM]

*Public Hearing assigned for November 15, 2011:*

#282-11 RICHARD D. SEWALL petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four attached dwellings in two buildings; to waive the side setback requirement; and to allow a lot coverage of more than 25% at 87-89 WABAN STREET, Ward 1, on land known as SBL 12, 4, 27, containing approximately 20,082 sq. ft. of land in a district zoned Multi Residence 1. Ref: Sec 30-24, 30-23, 30-(9)(b)(5), 30-9(b)(5)b) of the City of Newton Rev Zoning Ord, 2007.

*Public Hearing assigned for November 15, 2011:*

#283-11      VLADIMIR KHAYNOVSKY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE by enclosing an existing deck to create a bedroom increasing the Floor Area Ratio from .70 to .73 at 66 CRAGMORE ROAD, Ward 5, Newton Upper Falls, on land known as SBL 54, 48, 18, containing approximately 12,580 sq. ft. of land in a district zoned Single Residence 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2007.

*Public Hearing assigned for November 15, 2011:*

#137-10(3)      SHARAD S. GANDBHIR petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an accessory apartment in an existing detached structure and to allow three parking spaces in the front setback and less than five feet from the front lot line 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, 30-9(h)((1), 30-19(g)(1) and (m) of the City of Newton Rev Zoning Ord, 2007.