

REPORTS DOCKET

Oct. 18: Land Use (Cancelled) Continued
Oct. 19: Programs&Services; PublicSafety&Transportation; Public Facilities Page 202
Oct. 24: Finance; Zoning&Planning Monday, October 17, 2011
Oct. 25: Real Property Newton City Hall
Nov. 1: Land Use; Post Audit & Oversight To be reported on
Monday, November 7, 2011

CITY OF NEWTON

IN BOARD OF ALDERMEN

UNFINISHED BOARD BUSINESS

ITEM CHARTERED BY ALD. BAKER on OCTOBER 17, 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.
LAND USE APPROVED 5-0-2 (Blazar and Merrill abstaining) on 10/11/11

REFERRED TO LAND USE COMMITTEE

Tuesday, November 1, 2011

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

#313-10 PRESIDENT LENNON in conjunction with Newton Wellesley Hospital
recommending the re-appointment/appointment of the following individual to the
Newton Wellesley Hospital Neighborhood Council pursuant to condition 29 of
special permit #470-04 for terms concurrent with the 2010-2011 Board of
Aldermen:
(D) Debra Sallaway
10 Bonaire Circle
Newton 02462 (new appointee)
APPROVED 7-1 (Schnipper)

#250-10(2) REQUEST FOR A ONE-YEAR EXTENSION OF TIME in which to EXERCISE SPECIAL PERMIT #250-10, granted to Historic Chestnut Street, LLC on December 6, 2010, to extend a nonconforming structure by renovating an existing building and constructing an addition to create three residential units and to waive one parking space at 1012-1022 CHESTNUT STREET, Ward 5, Newton Upper Falls. Ref: Sec. 30-24(c)(4) of the City of Newton Rev. Zoning Ord, 2007.
APPROVED 8-0

#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.
APPROVED 8-0

REFERRED TO LAND USE AND PROGRAMS & SERVICES COMMITTEES

#474-08(2) ALD. HESS-MAHAN & VANCE proposing that Article X of the Rules & Orders of the Board of Aldermen be amended to conform with a proposed amendment to Chapter 30 re transfer of the special permit granting authority to the Zoning Board of Appeals and/or the Planning & Development Board for projects that are not classified as Major Projects pursuant to Article X.
NO ACTION NECESSARY 8-0
PROGRAMS & SERVICES TO MEET

REFERRED TO LAND USE & FINANCE COMMITTEES

#276-10 ALD. FULLER, CROSSLEY, DANBERG, LINSKY requesting a review of guidelines for mitigation fund provisions to maximize the use of such funds on behalf of the city together with mechanisms by which the city can better track such funds to ensure they are used in a timely fashion.
REFERRED TO 2012-2013 Board of Aldermen
FINANCE TO MEET

REFERRED TO ZONING AND PLANNING COMMITTEE

Monday October 24, 2011

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

#272-11 **RICHARD & ANDREE WILSON** requesting that His Honor the Mayor and the Board of Aldermen accept a Conservation Restriction on approximately 1.5 acres of their property at 15 Bracebridge Road; the proposed Restriction has been reviewed and approved by the Newton Conservation Commission and the Newton Conservators and will be held by the Newton Conservators. [9/26/11 @2:04PM]
HELD 8-0

Public Hearing held on October 24, 2011:

#249-11 **FRANK UTANO** et al. filing with the City Clerk on August 11, 2011 a Group Petition with 51 qualified voter signatures, pursuant to Sec. 10-2 of the City Charter, requesting a special meeting with the Board of Aldermen to discuss the amended zoning laws scheduled to take effect in October, 2011. [August 18, 2011]
NB: Board action shall be taken not later than three months from the date the petition was filed with the City Clerk. [Nov 9, 2011]
NO ACTION NECESSARY 8-0

#49-11 **ALD. JOHNSON**, Chair of Zoning and Planning Committee, on behalf of the Zoning and Planning Committee requesting that 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. This committee review should occur no less than bi-monthly but could occur as frequently as monthly, based on the permits coming into the departments. [02-15-2011 @8:44AM]
HELD 8-0

Public hearing held on 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. [*Committee must take action by December 12th*]
APPROVED 8-0

#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. These updates will occur at the frequency determined by the Chair of the Scoping Group and the Chair of the Zoning and Planning Committee. [3/14/2011 @ 11:16PM]
HELD 7-0 (Shapiro not voting)

Re-appointment by His Honor the Mayor

#295-11 JOYCE MOSS, 229 Franklin Street, Newton, re-appointed to the PLANNING & DEVELOPMENT BOARD for a term of office to expire February 1, 2014 (60 days 12/16/11). [10-11-11 @2:18PM]
HELD 7-0 (Shapiro not voting)

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday October 19, 2011

Present: Ald. Sangiolo, Linsky, Baker, Blazar, Rice, Merrill, Fischman, Hess-Mahan; also present: Ald. Lennon, Albright, Salvucci, Crossley, Danberg, Schnipper, Lappin, Shapiro, and Yates.

Appointment by His Honor the Mayor

#276-11 KIRAN MILUNSKY, 18 Indian Ridge Road, Newton Centre, appointed to the Advisory Council of Health and Human Services for a term of office to expire December 1, 2014 (60 days 12/02/11. [09/26/11 @9:37AM]
APPROVED 6-0 (Hess-Mahan, Baker not voting)

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

#245-10 ALD. SCHNIPPER requesting discussion with National Grid regarding the possible damage to trees as a result of gas leaks. [09/01/10 4:00 PM]
HELD 6-0 (Linsky, Baker not voting)

#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 6-0 (Linsky, Baker not voting)

#52-07 ALD. PARKER, SANGIOLO, MANSFIELD, HARNEY, DANBERG, VANCE, LINSKY, HESS-MAHAN, BURG, ALBRIGHT & JOHNSON requesting an ordinance amendment to create a health care advisory committee whose function would be to recommend measures to control the rate of increase of health insurance costs, as recommended by the Newton Finance & Management Working Group in 2005 and the Blue Ribbon Commission on the Municipal Budget in 2007. [02/09/07 @ 12:36 PM]
APPROVED subject to 2nd call 5-0-3 (Baker, Fischman, Merrill abstaining)

#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]

APPROVED AS AMENDED 6-0-1 (Linsky abstaining; Baker not voting)

#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]

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

#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]

APPROVED 7-1 (Linsky opposed)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, October 19, 2011

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

#288-11 ALD. SWISTON & HESS-MAHAN, requesting the Mayor act on the recommendations made on September 22, 2011 by the Traffic Council relative to item TC5-11 recommending a series of speed humps between Chestnut and Forests Streets to address speeding on Otis Street. [10/07/11 @ 3:28 PM]

RESOLUTION APPROVED 5-0-2 (Freedman, Shapiro abstaining)

#278-11 ALD. YATES, requesting a report from His Honor the Mayor on the likely impacts on traffic in Newton from the changes to the Route 9/128 intersection as part of the Add-A-Lane Project. [09/26/11 @ 2:37 PM]

HELD 6-0 (Shapiro not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE on 05/04/09

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES on 02/17/09

#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

NO ACTION NECESSARY 6-0 (Shapiro not voting)

PUBLIC FACILITIES TO MEET

#235-09 ALD. SANGIOLO, HARNEY & GENTILE on behalf of residents on
 TC2(2)-08 Wolcott Street requesting that the traffic control signal located at Wolcott and
 Lexington Streets be moved to a different location or removed altogether.
 (Ward 4) [3/28/08 @ 9:59 AM]
NO ACTION NECESSARY 6-0, Shapiro not voting

REFERRED TO PUBLIC SAFETY/TRANSPORTATION & FINANCE COMMITTEES

#54-11(2) ALD. YATES, CICCONE, HARNEY, FREEDMAN AND SHAPIRO requesting
 that Chapter 19 MOTOR VEHICLES AND TRAFFIC of the Revised Ordinances
 be amended by reinstating the Community Parking Program in a manner that
 charges the participants for the full cost of the program. [05/01/11 @ 10:05AM]
NO ACTION NECESSARY 6-0, Shapiro not voting
FINANCE TO MEET

#261-09 ALD. JOHNSON requesting a review of the City of Newton Ordinances Chapter
 24, Sections 26–34 Alarm System Regulations to more clearly express the fines
 and penalties to residential and commercial property owners for false alarms.
 [08/19/09 @ 9:53 AM]
NO ACTION NECESSARY 6-0, Shapiro not voting

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, October 19, 2011

Present: Ald. Schnipper, Lennon, Albright, Salvucci, Crossley, Danberg, and Lappin; absent:
 Ald. Gentile; also present: Ald. Blazar, Fischman, Hess-Mahan, Merrill, Rice and Sangiolo

#266-11 NATIONAL GRID petitioning for a grant of location to install and maintain 80' ±
 of 4" gas main in RUANE ROAD from the existing 4" gas main at 74 Ruane
 Road in an easterly direction to #69 Ruane Road. (Ward 3) [09/12/11 @ 11:59
 AM]
APPROVED 6-0 (Lennon not voting)

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

#245-10 ALD. SCHNIPPER AND SANGIOLO requesting discussion with National Grid
 regarding the possible damage to trees as a result of gas leaks. [09/01/10 4:00
 PM]
HELD 7-0

#280-11 ALD. SALVUCCI AND LINSKY requesting an amendment to Section 26-51 of
 the City of Newton Ordinances, 2007 – Public way improvements constituting
 specific repairs, to add the following design change text to paragraph 9a): “or any
 adjustment of the curbing that causes an intrusion into the roadway.” [09/20/11 @
 10:38 AM]
HELD 7-0

#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]

PUBLIC HEARING CONTINUED

REFERRED TO PUB. FACIL., PROG. & SERV., AND FINANCE COMMITTEES

#8-09 ALD. HESS-MAHAN LINSKY, ALBRIGHT, FREEDMAN, MANSFIELD, JOHNSON, HARNEY & VANCE proposing an ordinance requiring that the installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible. [12/30/08 @9:55 AM]

PROGRAMS & SERVICES APPROVED 7-0 on 03/09/11

FINANCE APPROVED 5-0-1 (Fuller abstaining) on 10/24/11

PUBLIC FACILITIES APPROVED 5-0(Lappin and Lennon not voting)

#279-11 ALD. YATES requesting a report from the Chief Administrative Officer as to when the topsoil stored at the Department of Public Works Elliot Street Yard will be used at the Newton North High School fields. [09/26/11 @2:37 PM]

NO ACTION NECESSARY 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 PROG & SERV, PUB. FAC. AND FINANCE COMMITTEES

- #130-11 PAUL COLETTI, ALD. SANGIOLO, DANBERG, & JOHNSON requesting Home Rule Legislation to create a Capital Preservation Fund for the City of Newton modeled on the Community Preservation Fund to address the capital needs of the City. [04/11/11 @9:42 PM]
FINANCE VOTED NO ACTION NECESSARY 7-0 on 10-12-11
NO ACTION NECESSARY 6-0 (Lennon not voting)
PROGRAMS & SERVICES TO MEET

REFERRED TO FINANCE COMMITTEE

Monday, October 24, 2011

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

Appointment by His Honor the Mayor

- #292-11 ANTONIO BIANCHI, 15 Colonial Avenue, Newton is hereby appointed as a CONSTABLE of the City of Newton for a term of office to expire on November 30, 2014. [10-04-11 @3:49 PM]
APPROVED 4-0 (Linsky and Rice not voting)

- #267-11 COMPTROLLER transmitting the Budgetary Basis Annual Financial Report for fiscal year ending June 30, 2011 for Board of Aldermen review/acceptance. [09/09/11 @ 2:05 PM]
HELD 6-0

- #293-11 NEWTON RETIREMENT BOARD requesting acceptance of the provisions of Section 19 of Chapter 188 of the Acts of 2010 to increase the base for which retiree cost of living adjustments are applied as follows: \$13,000 for FY2013 and \$14,000 for FY2014. [10-04-11 @ 1:48 PM]
DENIED 6-0

REFERRED TO PUBLIC FACIL., PROG. & SERV. & FINANCE COMMITTEES

- #8-09 ALD. HESS-MAHAN LINSKY, ALBRIGHT, FREEDMAN, MANSFIELD, JOHNSON, HARNEY & VANCE proposing an ordinance requiring that the installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible. [12/30/08 @9:55 AM]
PROGRAMS & SERVICES APPROVED 7-0 on 03/09/11
PUBLIC FACILITIES APPROVED 5-0 (Lappin & Lennon not voting) on 10/19/11
APPROVED 5-0-1 (Fuller abstaining)

REFERRED TO PUBLIC SAFETY/TRANSPORTATION & FINANCE COMMITTEES

- #54-11(2) ALD. YATES, CICCONE, HARNEY, FREEDMAN requesting that Chapter 19 MOTOR VEHICLES AND TRAFFIC of the Revised Ordinances be amended by reinstating the Community Parking Program in a manner that charges the participants for the full cost of the program. [05-01-11 @10:05AM]
PUBLIC SAFETY VOTED NO ACTION NECESSARY 6-0 (Shapiro not voting) on 10/19/11
NO ACTION NECESSARY 6-0

REFERRED TO REAL PROPERTY REUSE COMMITTEE

Tuesday, October 25, 2012

Present: Ald. Danberg (Chairman), Ald. Merrill, Linsky, Crossley, Fischman, Gentile, and Baker; absent: Ald. Salvucci; also present: Ald. Albright and Yates

- #287-11 DIRECTOR OF PLANNING & DEVELOPMENT submitting on October 3, 2011 a letter stating that the building and land at 1294 Centre Street, declared surplus by the COMMISSIONER OF HEALTH & HUMAN SERVICES on September 21, 2011, should be declared unnecessary for all municipal purposes pursuant to Section 2-7.

HELD 7-0

- #150-09(6) JOINT ADVISORY PLANNING GROUP and PLANNING & DEVELOPMENT DEPARTMENT filing their separate reports pursuant to Ordinance Sec. 2-7(2)b) identifying alternatives for the future use of the Austin Street municipal parking lot at 28 Austin Street, on land known as SBL 24, 9, 15, containing approximately 74,536 sq. ft. of land, in Newtonville, which was declared surplus by the Commissioner of Public Works on December 1, 2010.

APPROVED 6-0-1 (Gentile abstaining) to sell or lease and retain 85 public parking spaces

REFERRED TO POST AUDIT & OVERSIGHT COMMITTEE

Tuesday, November 1, 2011

Present: Ald. Swiston (Chair), Johnson, Sangiolo and Rice; absent: Ald. Lennon, Shapiro, Schnipper and Freedman; also present: Ald. Fuller and Baker

- #294-11 ALD. SANGIOLO, requesting discussion with the Law Department and Elections Commission regarding City Charter language relative to eligibility/residency requirements for candidates for both School Committee and the Board of Aldermen as amended by Docket Item #9-02, which resulted in a home rule petition which was approved by the Massachusetts General Court in its Acts and Resolves of 2002, Chapter 368. [10/11/11 @ 4:49 PM]

HELD 4-0

#323-10 ALD. YATES requesting a report from the Newton Housing Authority (NHA) on the posting of names and contact information of members of the Board of the NHA on bulletin boards in the community centers of NHA developments and on the website of the NHA. [11/01/10 @ 9:44 PM]
NO ACTION NECESSARY 4-0

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.