

**CITY OF NEWTON**  
**IN BOARD OF ALDERMEN**  
**BOARD ACTIONS**

Monday, January 19, 2010

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

Absent: Ald. Merrill

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

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#424-09      HIS HONOR THE MAYOR requesting that the budget for the Newton North High School construction project be amended by transferring from hard costs (construction) to soft costs the sum of Two million two hundred thirty-two thousand five hundred dollars (\$2,232,500) to focus resources on project oversight by the Project Manager and the Design team, as follows:

Project Manager .....	\$596,000
Building System Commissioning .....	\$40,000
Architectural Expenses .....	\$570,000
Consultant Expenses/testing .....	\$326,500
Furnishings.....	<u>\$700,000</u>
	\$2,232,500

**Public Facilities approved 6-0-1 (Gentile abstaining) on 01/06/10**  
**Finance approved as amended 6-0-2 (Freedman, Linsky abstaining) on 1/11/10**  
**Ald. Gentile motion to suspend the rules and substitute Finance Committee vote for Public Facilities vote was approved voice vote**  
**ITEM APPROVED AS AMENDED 23 YEAS 0 NAYS**

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 0 NAYS TO ACCEPT AND ASSIGN PUBLIC HEARINGS FOR THE FOLLOWING ITEMS, ALL REFERRED TO THE LAND USE COMMITTEE:**

#14-10      DONALD & JILL EURICH petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE/USE to locate a home business in a detached barn; to located two tandem parking spaces with the side setback; and, to waive five parking spaces at 7 WALNUT STREET, Ward 2, NEWTONVILLE, on land known as Sect 21, Blk 22, Lot 4, containing approx 32,716 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-12(a)(2)b), (b), 30-8(c)(9), (11)d), 30-19(d), (g)(1), (4), and (m) of the City of Newton Rev Zoning Ord, 2007.

- #18-98(2) KENMORE REALTY CORPORATION petition to AMEND SPECIAL PERMIT #18-98, granted on 4/6/98 for a 65-seat restaurant (Lumiere) and a waiver of 18 parking spaces, by increasing the number of seats from 65 to 88 (into the space formerly occupied by West Newton Liquors) and permitting accessory parking on an off-site lot (Newton Community Service Center) at 1293-1297 WASHINGTON STREET, Ward 3, WEST NEWTON, on land known as Sec 33, Blk 11, Lot 13, containing approx 12,047 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-11(d)(9), 30-19f)(3) of the City of Newton Rev Zoning Ord, 2007, and special permit #18-98.
- #15-10 STEVEN E. & MERLE WINER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct an attached garage to an existing single-family residence at 1 BILLINGS PARK, Ward 7, NEWTON, on land known as Sec 72, Blk 8, Lot 21, containing approx 8,496 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-21(a)(2)b), 30-21(b) of the City of Newton Rev Zoning Ord, 2007.
- #16-10 ANGEL K. PANOSSIAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING USE to legalize a 13<sup>th</sup> apartment (unit 1-H) in an existing legal nonconforming 12 unit multi-family dwelling , including a waiver of two parking spaces, at 548 CENTRE STREET/48 HOLLIS STREET, Ward .1, NEWTON CORNER, on land known as Sec 72, Blk 6, Lot 14A, containing approx 15,320 sf of land in a district zoned MULTI RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(a)(2)a), 30-21(b), 3-19(d) and (m) of the City of Newton Rev Zoning Ord, 2007 and special permit #2-85.
- #17-10 MICHAEL E. PRATT & TRUDY L. GOOD petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to add a two-story addition to the rear of an existing single-family residence, increasing the Floor Area Ratio, and to demolish an existing garage and construct a carport on the south side of the lot at 51 HILLSIDE AVENUE, Ward 3, WEST NEWTON, on land known as Sec 32, Blk 3, Lot 5, containing approx 7,160 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)b) and 3-21(b) of the City of Newton Rev Zoning Ord, 2007.

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 0 NAYS TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, January 12, 2010

*A public hearing was held on the following item:*

#388-09 MARCUS LANG INVESTMENTS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to create a rear lot subdivision including a change of grade/combination of walls/berms in excess of 4 feet within setbacks in order to construct two single-family dwellings with a shared driveway on GODDARD STREET, Ward 8, on land known as Section 83, Block 33, Lot 30, containing approximately 23,797 sf of land in a district zoned SINGLE RESIDENCE 3. (Ref: Sec 30-24, 30-23, 30-15(r), 30-19(f)(1) and (2) and 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.

**HEARING CLOSED**

**REFERRED TO PROGRAMS & SERVICES COMMITTEE**

Wednesday, January 6, 2010

Present: Ald. Sangiolo (Chairman), Linsky, Hess-Mahan, Rice, and Blazar

Absent: Ald. Merrill, Baker and Fischman

Appointment by His Honor the Mayor

#414-09 MARIAN KNAPP, 6 Bellingham Street, Newton Highlands, appointed as member of NEWTON COUNCIL ON AGING for a term to expire November 1, 2012 (60 days 2/19/10).

**APPROVED 5-0**

#413-09 ALD. COLETTI & SALVUCCI proposing an amendment to the Rules & Orders of the Board of Aldermen to amend Article I, Section 2D, to read "The president shall serve as an ex-officio member of the Finance Committee with the right to vote in case of a tie vote, unless the president is appointed to serve as a regular member of the Finance Committee, then the vice president shall serve as an ex-officio member of the Finance Committee with the right to vote in case of a tie vote.

**APPROVED AS AMENDED 5-0**

#394-09 ALD. BAKER requesting clarification of the Rules of the Board regarding referrals to Committee of appeals of decisions of the Traffic Council.

[11/30/09 @ 9:34 AM]

**REFERRED TO RULES SUBCOMMITTEE 5-0**

**REFERRED TO PROG & SERV AND PUB SAF & TRANSP COMMITTEES**

#394-09(2) ALD. BAKER requesting clarification in **Section 19-33** and **Section 19-34** of the City of Newton ordinances relative to appeals from the Traffic Council. [12-29-09 @ 11:16 AM]  
**NO ACTION NECESSARY 5-0**

#383-09 ALD. LINSKY AND HESS-MAHAN requesting adoption of a RESOLUTION to be forwarded to the President and Attorney General of the United States along with Newton's congressional delegation in conjunction with similar resolutions and actions being taken by communities nationwide to: urge Congress to repeal the ban on releasing cleared detainees into the United States, and; welcome, in particular, a cleared detainee into our community who was represented by two Newton attorneys who were recognized for their efforts by the Newton Human Rights Commission as soon as such ban is lifted. [11/10/09]  
**APPROVED 5-0**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, January 6, 2010

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

**REFERRED TO PUB. FAC. AND PUB. SAF & TRANS. COMMITTEES**

#35-04 ALD. SAMUELSON AND DANBERG requesting an ordinance amendment to Section 26-8 of the City of Newton Revised Ordinances, 2001 to require all property owners or residents to remove snow from sidewalks abutting their property.  
**PUBLIC FACILITIES NO ACTION NECESSARY 8-0 on 12/09/09 HELD 7-0**

#11-10 ALD. ALBRIGHT requesting a discussion relative to providing parking during a snow emergency for residents who live in housing without on-site parking. [12/21/09 @ 1:15 PM]  
**HELD 7-0**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, January 6, 2010

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

#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]  
**HELD 6-0 (Danberg not voting)**

Re-appointment by His Honor the Mayor

#415-09 LAWRENCE KAUFMAN, 134 Spiers Road, Newton Centre, re-appointed as a member of the Newton Citizens Commission on Energy for a term to expire on December 1, 2012 (60 days 2/19/10). [12/04/09 @ 2:05 PM]

**APPROVED 7-0**

Re-appointment by His Honor the Mayor

#416-09 IRA KREPCHIN, 63 Craftsland Road, Newton Centre, re-appointed as a member of the Newton Citizens Commission on Energy for a term to expire on December 1, 2012 (60 days 2/19/10). [12/04/09 @ 2:05 PM]

**HELD 7-0**

Re-appointment by His Honor the Mayor

#417-09 HALINA BROWN, Ph.D., 56 Cloverdale Road, Newton Centre, re-appointed as a member of the Newton Citizens Commission on Energy for a term to expire on December 1, 2012 (60 days 2/19/10). [12/04/09 @ 2:05 PM]

**APPROVED 7-0**

**REFERRED TO FINANCE COMMITTEE**

January 11, 2010

Present: Ald. Gentile (Chairman), Ciccone, Linsky, Salvucci, Rice, Danberg, Fuller and Freedman; also present: Ald. Baker, Crossley, Schnipper and Shapiro

#419-09 HIS HONOR THE MAYOR requesting authorization to appropriate ten thousand dollars (\$10,000) from Budget Reserve for the purpose of settling a claim filed against the City of Newton due to damages sustained from sewage back up caused by actions of a subcontractor working for Dimeo Construction and ensuing actions on the part of City employees. [12/15/09 @ 4:04 PM]

**APPROVED 8-0**

#12-10 HIS HONOR THE MAYOR requesting authorization to transfer three thousand one hundred ninety one dollars and fifty-cents (\$3,191.50) in the Health and Human Services Department to allow the purchase of a copy machine for use in the H1N1 flu immunization program (an additional \$3,191.50 will be paid by a Massachusetts Department of Public Health grant) *and that this item be declared an emergency measure necessary to protect the health and safety of the people and property of the City of Newton in accordance with Section 2-9 of the Newton City Charter, which requires a separate 2/3 vote of the Board of Aldermen.* [12/22/09 @ 10:09 AM]

**NO ACTION NECESSARY 8-0**

#421-09      HIS HONOR THE MAYOR requesting authorization to appropriate and expend nine thousand two hundred dollars (\$9,200) from Budget Reserve for the purpose of supplementing the Comptroller's expenses budget for auditing costs. [12/15/09 @ 4:05 PM]

**APPROVED 8-0**

#423-09      HIS HONOR THE MAYOR requesting authorization to appropriate and expend thirty thousand dollars (\$30,000) from Budget Reserve for the purpose of supplementing the banking services account in the Treasurer's Department. [12/15/09 @ 4:05 PM]

**APPROVED 8-0**

#385-08(2)      HIS HONOR THE MAYOR requesting authorization to appropriate from Receipts Reserved for Appropriation to Conservation \$6,000 received from the Newton Marriot for improvements to Norumbega Park in accordance with condition #25 in special permit board order #385-08. [12/15/09 @ 5:06 PM]

**APPROVED 8-0**

**REFERRED TO LONG RANGE PLANNING COMMITTEE**

Wednesday, January 13, 2010

Present: Ald. Linsky (Chairman), Albright, Baker, Crossley, Danberg, Fuller, Johnson, Lennon and Shapiro

#72-09      ALD. PARKER AND LAPPIN requesting discussion with the administration regarding which Citizens Advisory Group recommendations are appropriate to implement as part of the Fiscal Year 2010 operating budget.

**NO ACTION NECESSARY 9-0**