

## REPORTS DOCKET

Feb. 17: Programs&Services; Public Safety&Transportation; Public Facilities Continued  
Feb. 18: Committee on Comm. Preservation Page 41  
Feb. 22: Finance; Zoning & Planning Tuesday, February 16, 2010  
Feb. 23: Land Use; Post Audit & Oversight 7:45 PM, Newton City Hall  
To be reported on  
**Monday, March 1, 2010**

### CITY OF NEWTON

#### IN BOARD OF ALDERMEN

#### REFERRED TO LAND USE COMMITTEE

Tuesday, February 23, 2010

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

#542-03(3) HIS HONOR THE MAYOR submitting for approval City Telecommunications Specialist Maurya Sullivan as the Remediation Fund Administrator pursuant to condition 2.H. of special permit #542-03 granted on November 1, 2005 to Clear Channel et al. for five radio transmission towers with ancillary equipment at 750 Saw Mill Brook Parkway.

**APPROVED 6-0 (Harney not voting)**

#17-10 MICHAEL G. 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.

**APPROVED 7-0**

#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.

**APPROVED 7-0**

#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), 30-19)f(3) and 30-19(m) of the City of Newton Rev Zoning Ord, 2007, and special permit #18-98.

**APPROVED 6-0-1 (Fischman abstaining)**

#7-10 KAYNAM HEDAYAT petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to construct a new front porch to an existing single-family residence at 49 PHILMORE ROAD, Ward 7, NEWTON, on land known as Sec 73, Blk 15, Lot 8, containing approx 9,694 sf 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.

**APPROVED 7-0**

#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 locate two tandem parking spaces within 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.

**APPROVED 7-0**

**2010 Auto License Renewals**

#310-09 ENZO's AUTO SALES Class 2

10 Hawthorn Street

Nonantum

**APPROVED 6-0 (Schnipper not voting)**

#312-09 JACOB and ASSOCIATES Class 2

1232 Washington Street

West Newton

**APPROVED 6-0 (Schnipper not voting)**

#313-09      ROBERT LEONE Class 2  
14 Beech Street  
Newton  
**APPROVED 6-0 (Schnipper not voting)**

#325-09      VELOCITY MOTORS INC. Class 2  
14 Hawthorn Street  
Nonantum  
**APPROVED 6-0 (Schnipper not voting)**

**REFERRED TO ZONING & PLANNING COMMITTEE**

February 22, 2010

Present: Ald. Johnson (Chairman), Baker, Swiston, Lappin, Lennon, Sangiolo, Shapiro, Swiston and Yates; also present: Ald. Hess-Mahan

Planning Board members present: Joyce Moss, Howard Haywood, David Banash, Leslie Burg, Scott Wolf, Doug Sweet and Tabetha McCartney (Chairman)

*A Public Hearing was opened on the following item:*

- #164-09      ALD. HESS-MAHAN proposing the following amendments to Chapter 30 of the City of Newton Revised Zoning Ord, as amended, 2007, relative to accessory apartments:
- (1) amend Sections 30-8(d)(1), 30-8(d)(1)a, 30-9(h)(1), and 30-9(h)(1)a) to explicitly allow the homeowner to live in the accessory apartment;
  - (2) amend Section 30-9(h)(1) and 30-9(h)(2) to allow accessory apartments in a detached structure associated with a single-family residence in a Multi Residence 1 and Multi Residence 2 district and to clarify that accessory apartments are allowed in detached structures associated with two-family residences; and amend 30-9(h)(1) to clarify that a single-family dwelling located in a Multi Residence 1 or Multi Residence 2 district may be divided into a two-family dwelling according to other provisions of the zoning ordinance;
  - (3) amend the provisions of Sections 30-8(d)(1)b) and 30-9(h)(1)b) to allow accessory apartments in residential buildings built 10 or more years before an application for a permit is submitted;
  - (4) delete the provisions of Sections 30-8(d)(1)h) and 30-9(h)(1)h) that require landscape screening for fewer than 5 parking stalls;
  - (5) amend Sections 30-8(d)(1)d), 30-8(d)(1)e), 30-8(d)(2)b), 30-9(h)(1)d), and 30-9(h)(1)e) to allow limited exterior alterations or additions, subject to FAR or other dimensional controls, to accommodate an accessory apartment; amend the conditions, where a special permit is required, for approval of exterior alterations or additions; and to remove the time limit before which additions and exterior alterations must be completed to meet the requirements of Table 30-8;
  - (6) amend 30-1, definition of "accessory apartment" to be consistent with the changes listed above.

**HEARING CLOSED**

**REFERRED TO PROGRAMS & SERVICES COMMITTEE**

Wednesday, February 17, 2010

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

- #47-10      **CLERK OF THE BOARD, ALD. LENNON AND ALD. LAPPIN**  
requesting an amendment to Article V, Section 2B of the Rules of the Board of Aldermen, to change the docketing deadline from the Tuesday before a Board meeting to the Monday before a Board meeting to allow compliance with recent changes to the Open Meeting Law which take effect on July 1, 2010. [01-29-10 @ 1:52 PM]  
**APPROVED 6-0 (Fischman not voting)**

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

- #51-10      **ALD. CROSSLEY & HESS-MAHAN** requesting adoption of a policy to purchase only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable, in order to satisfy the requirements to qualify as a Green Community under MGL Chapter 25A, §10(c). [02/09/10 @ 7:25 PM]  
**HELD 6-0 (Fischman not voting)**

- #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]  
**HELD 7-0**

**REFERRED TO PS&T AND PROGRAMS & SERVICES COMMITTEES**

- #391-08      **HIS HONOR THE MAYOR** requesting Board of Aldermen approval to  
(#122-92(3)) petition the General Court for an amendment to the legislation that governs the appointment of a Police Chief in the City of Newton in order to add two members to the committee: an additional representative of the Newton Superior Officers Association and an additional citizen member. [11/4/08 @ 12:31 PM]  
**HELD 7-0**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, February 17, 2010

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

#396-09      **KURT AND TAKI HENSCH** appealing the Denial of TC28-09 Traffic Council Decision on October 22, 2009: KURT AND TAKI HENSCH, 210 Nahanton Street #206, Newton Centre requesting (1) Traffic light be installed at the intersection of Nahanton Woods Road and Nahanton Street (2) "Signal Ahead" warning sign be placed on Nahanton Street for traffic from the west and east. (Ward 8) (Appeal filed on 11/12/09 @ 10:23 AM]

**APPEAL DENIED 6-0-1 (Yates abstaining)**

#80-08(3)      **ALD. SALVUCCI AND DANBERG** requesting that the City's one-year trial commercial parking permit program (City Ord. 19-205) be made permanent, with associated modifications based on the trial results. [01/12/10 @ 4:23 PM]

**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 PUB SAFETY & TRANS AND PROG & SERV COMMITTEES**

#20-10      **ALD. HESS-MAHAN AND HARNEY** requesting special legislation prohibiting the use of handheld mobile devices to send, read or receive electronic messages while operating a motor vehicle within the City of Newton and in order to protect its citizens and to limit unnecessary motor vehicle accidents, injuries, and fatalities, and that the appropriate committees conduct a public hearing to examine the feasibility thereof. [01/04/10 @ 5:07 PM]

**PROGRAMS & SERVICES HELD 7-0 on 01/20/10**

**HELD 7-0**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, February 17, 2010

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

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #38-10 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend five hundred thousand dollars (\$500,000) in State Capital Bond Bill funds for the purpose of capital repairs to the Lower Falls Community Center. [01/26/10 @ 11:48 AM]  
**FINANCE APPROVED 7-0 on 02/22/10**  
**APPROVED 6-0 (Crossley and Lappin not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #52-10 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend sixteen thousand eight hundred forty-five dollars (\$16,845) from Free Cash for the purpose of evaluating the condition and prepare replacement cost estimates for various section of roofing systems at the following seven schools: Bowen, Brown, Cabot, Countryside, Franklin, Lincoln-Eliot, and Ward. [02/09/10 @ 7:20 PM]  
**FINANCE APPROVED 7-0 on 02/22/10**  
**APPROVED 5-0 (Gentile, Lappin & Lennon not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #54-10 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend six hundred fifty thousand dollars (\$650,000) from bonded indebtedness for the design and replacement of the windows at the Burr Elementary School. [02/09/10 @ 7:20 PM]  
**FINANCE APPROVED 6-0-1 (Fuller abstaining) on 02/22/10**  
**APPROVED 5-0-2 (Gentile, Lennon abstaining; Lappin not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #55-10 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend two hundred two thousand one hundred twenty-five dollars (\$202,125) from bonded indebtedness to replace the generator at the Education Center at 100 Walnut Street. [02/09/10 @ 7:20 PM]  
**FINANCE APPROVED 6-0-1 (Fuller abstaining) on 02/22/10**  
**APPROVED 7-0 (Lappin not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #56-10 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend fifty five thousand sixty-four dollars (\$55,064) from Free Cash to fund additional costs associated with the removal and replacement of the existing emergency generator at the Peirce Elementary School. [02/09/10 @ 7:20 PM]  
**FINANCE APPROVED 7-0 on 02/22/10**  
**APPROVED 5-0-1 (Gentile abstaining; Crossley & Lappin not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #57-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred thousand dollars (\$200,000) from bonded indebtedness for the design and replacement of one of the boilers at Williams Elementary School. [02/09/10 @ 7:20 PM]  
**FINANCE APPROVED 6-0-1 (Fuller abstaining) on 02/22/10**  
**APPROVED 6-0 (Crossley & Lappin not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #58-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred fifty thousand dollars (\$150,000) from bonded indebtedness for the design and installation of an elevator lift at the Countryside Elementary School. [02/09/10 @ 7:20 PM]  
**FINANCE APPROVED 6-0-1 (Fuller abstaining) on 02/22/10**  
**APPROVED 6-0 (Crossley & Lappin not voting)**

- #50-10 ALD. CROSSLEY & HESS-MAHAN requesting the adoption of a policy to reduce energy use baseline inventory for municipal buildings, vehicles, street and traffic lighting by 20%, in order to satisfy the requirements to qualify as a Green Community under Mass General Law Ch. 25A, §10(c). [02/09/10 @ 7:25 PM]  
**HELD 6-0 (Danberg & 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 (Danberg & Salvucci not voting)**

**REFERRED TO FINANCE COMMITTEE**

Monday, February 22, 2010

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

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #38-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend five hundred thousand dollars (\$500,000) in State Capital Bond Bill funds for the purpose of capital repairs to the Lower Falls Community Center. [01/26/10 @ 11:48 AM]  
**PUBLIC FACILITIES APPROVED 6-0 (Crossley and Lappin not voting) on 02/17/10**  
**APPROVED 7-0**

- #33-10 HIS HONOR THE MAYOR reappointing JAMES REARDON as TREASURER/COLLECTOR of the City of Newton, effective immediately, pursuant to Sections 3-3(b) of the City Charter (90 days: 4/5/10). [01/05/10 @ 3:36 PM]

**APPROVED 6-1 (Linsky opposed)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #52-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend sixteen thousand eight hundred forty-five dollars (\$16,845) from Free Cash for the purpose of evaluating the condition and prepare replacement cost estimates for various section of roofing systems at the following seven schools: Bowen, Brown, Cabot, Countryside, Franklin, Lincoln-Eliot, and Ward. [02/09/10 @ 7:20 PM]

**PUBLIC FACILITIES APPROVED 5-0 (Gentile, Lappin & Lennon not voting) on 02/17/10**

**APPROVED 7-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #54-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend six hundred fifty thousand dollars (\$650,000) from bonded indebtedness for the design and replacement of the windows at the Burr Elementary School. [02/09/10 @ 7:20 PM]

**PUBLIC FACILITIES APPROVED 5-0-2 (Gentile, Lennon abstaining; Lappin not voting) on 02/17/10**

**APPROVED 6-0-1 (Fuller abstaining)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #55-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred two thousand one hundred twenty-five dollars (\$202,125) from bonded indebtedness to replace the generator at the Education Center at 100 Walnut Street. [02/09/10 @ 7:20 PM]

**PUBLIC FACILITIES APPROVED 7-0 (Lappin not voting) on 02/17/10**

**APPROVED 5-0-2 (Ciccone and Fuller abstaining)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #56-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend fifty five thousand sixty-four dollars (\$55,064) from Free Cash to fund additional costs associated with the removal and replacement of the existing emergency generator at the Peirce Elementary School. [02/09/10 @ 7:20 PM]

**PUBLIC FACILITIES APPROVED 5-0-1 (Gentile abstaining; Crossley & Lappin not voting) on 02/17/10**

**APPROVED 7-0**



**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #57-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred thousand dollars (\$200,000) from bonded indebtedness for the design and replacement of one of the boilers at Williams Elementary School. [02/09/10 @ 7:20 PM]  
**PUBLIC FACILITIES APPROVED 6-0 (Crossley & Lappin not voting) on 02/17/10**  
**APPROVED 6-0-1 (Fuller abstaining)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #58-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred fifty thousand dollars (\$150,000) from bonded indebtedness for the design and installation of an elevator lift at the Countryside Elementary School. [02/09/10 @ 7:20 PM]  
**PUBLIC FACILITIES APPROVED 6-0 (Crossley & Lappin not voting) on 02/17/10**  
**APPROVED 6-0-1 (Fuller abstaining)**

- #269-09 COMPTROLLER submitting FY2009 Budgetary Basis Annual Financial Report. [09/01/09 @ 4:45 PM]  
**NO ACTION NECESSARY 7-0**

- #354-08 ALD. COLETTI requesting monthly report on cash and receivable reconciliations by Treasurer and status of Consultant work in Treasurer's Office. [09-30-08 @ 1:54 PM]  
**NO ACTION NECESSARY 7-0**

**REFERRED TO POST AUDIT & OVERSIGHT COMMITTEE**

Tuesday, February 23, 2010

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

- #375-09(2) COMMITTEE ON COMMUNITY PRESERVATION requesting explanations from the Inspectional Services and Fire Departments regarding requests for changes in the Brigham House Rehabilitation Project from the Project Plan that they had previously approved that resulted in increased project costs. [11/30/09 @ 10:33 AM]  
**HELD 4-0 (Sangiolo not voting)**
- #30-10(3) POST AUDIT & OVERSIGHT COMMITTEE requesting a discussion with the Planning & Development Board to review the actions on the decision making process that lead to the forgiving of the Newton Community Development Authority (NCDA) loans on June 1, 2009. [02/08/10 @ 4:06 PM]  
**NO ACTION NECESSARY 5-0**

#174-08(4) ALD. SWISTON & SHAPIRO requesting the Traffic Engineer provide a status report on the implementation of the recent parking meter rate increases and their impact on parking. [01/12/10 @ 2:27 PM]

**HELD 5-0**

#401-08 ALD. JOHNSON, ALBRIGHT AND LINSKY requesting discussion of the overall project management and communication of the Newton North High School Project. [11-10-08 @ 8:53 AM]

**NO ACTION NECESSARY 5-0**

**REFERRED TO COMMITTEE ON COMMUNITY PRESERVATION**

Thursday, February 18, 2010

Present: Ald. Albright (Chairman), Blazar, Fuller, Harney, Hess-Mahan, Lappin and Yates; absent: Ald. Ciccone

Re-Appointment by His Honor the Mayor

#400-09 NANCY GRISSOM, 7 Orris St, Newton, re-appointed as a member of THE COMMUNITY PRESERVATION COMMITTEE for a term to expire on August 1, 2012. (60 days 1/5/10) [11/16/09 @ 4:49 PM]

**APPROVED 6-0 (Harney not voting)**

**REFERRED TO CMTE ON COMMUNITY PRES AND FINANCE COMMITTEES**

#40-10 THE COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$37,045, including \$500 for City of Newton legal costs, be appropriated from the FY10 historic resources and general reserves of the Community Preservation Fund to be expended under the direction and control of the Newton Free Library, for the purpose of preserving and providing improved public access to certain archival materials held by the Library, City Clerk, and Jackson Homestead/Newton History Museum. [01/25/10 @ 2:22 PM]

**APPROVED AS AMENDED @\$35,545 SUBJECT TO 2nd CALL**

**5-0-2 (Harney and Yates abstaining)**

**FINANCE TO MEET**

**REFERRED TO CMTE ON COMM PRES, PUB. FAC, AND FIN COMMITTEES**

#41-10 THE COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$569,000, including \$1,000 for City of Newton legal costs, be appropriated from the FY10 historic resources, open space, and general reserves of the Community Preservation Fund to be expended under the direction and control of the Public Buildings Department for the purpose of rehabilitating the interior of the barn at Angino Farm. [01/25/10 @ 2:22 PM]

**APPROVED AS AMENDED 7-0 @\$568,000**

**FINANCE TO MEET**