

CITY OF NEWTON

IN BOARD OF ALDERMEN

BOARD ACTIONS

Tuesday, April 20, 2010

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

Absent: Ald. Freedman, Harney

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

#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.

LAND USE APPROVED 5-0-3 (Albright, Blazar, Harney abstaining)

MOTION TO AMEND CONDITIONS TO INCLUDE: "That the petitioner, working the appropriate City officials and review bodies as defined by the Planning Director, will contribute up to \$5,000 to address traffic problems in the neighborhood toward improvements to Goddard Street directed at reducing vehicle speeds and/or making the street safer for pedestrian use". APPROVED BY VOICE VOTE

MOTION TO APPROVE ITEM AS AMENDED DID NOT CARRY 15 YEAS, 8 NAYS (Ald. Baker, Blazar, Gentile, Harney, Lappin, Linsky, Swiston, Yates) 1 ABSENT (Ald. Sangiolo)

Clerk's Note: 2/3rds required to approve Special Permits

MOTION TO RECONSIDER FILED BY ALD. LINSKY ON 04/05

MOTION TO RECONSIDER APPROVED BY VOICE VOTE

MOTION TO POSTPONE TO MAY 3, 2010 APPROVED 13 YEAS, 9 NAYS(Ald. Baker, Danverrg, Gentile, Johnson, Lappin, Sangiolo, Shapiro, Swiston, Yates), 2 ABSENT (Ald. Freedman, Harney)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 0 NAYS, 2 ABSENT (Ald. Freedman, Harney) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

REFERRED TO LAND USE COMMITTEE

Tuesday, April 6, 2010

#16-10 DIKRAN PANOSSIAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING USE to legalize a 13th 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.

LAND USE APPROVED 8-0

#45-10 DELUXE STATION DINER/AMERICAN COMPANIES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to locate a 90-seat restaurant and waive 18 parking spaces at 70 UNION STREET, Ward 6, NEWTON CENTRE, on land known as Sec 61, Blk 36 Lot 11A , in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-19(d), (d)(9), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

LAND USE APPROVED 8-0

Class 2 Auto Dealer License Renewal

#314-09 LOS ANGELES AUTOBODY, INC.

41 Los Angeles Street

Nonantum

LAND USE APPROVED 7-0 (Crossley not voting)

REFERRED TO LAND USE COMMITTEE

Tuesday, April 13, 2010

Public Hearings were opened and closed on the following items, which were taken up in a working session.:

#74-10 JOHN A. VITTI/MARION T. VITTI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to legalize an existing third unit in a two-family dwelling at 826 WATERTOWN STREET, Ward 3, WEST NEWTON, on land known as Sec 31, Blk 10, Lot 1, containing approx 15,474 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(c)(1), and 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

HEARING CLOSED; LAND USE APPROVED 7-0

- #75-10 CALEB P. NELSON & SANDRA J BLISS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NON-CONFORMING STRUCTURE to demolish an existing deck and screened porch and add a 3-story addition onto the back of an existing 3-story single-family dwelling at 39 DEVONSHIRE ROAD, Ward 5, Waban, on land known as Sec 55, Blk 40, Lot 3 containing approx 10,400 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 3021(a)(2)b), (b), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2007.
- HEARING CLOSED; LAND USE APPROVED 7-0**

REFERRED TO ZONING AND PLANNING COMMITTEE

Monday, April 12, 2010

- #164-09 ALD. HESS-MAHAN proposing the following amendments to the accessory apartment ordinances: (1) amend Sections 30-8(d)(1)a) and 30-9(h)(1)a) to explicitly allow the homeowner to live in the accessory apartment; (2) amend Section 30-9(h)(1) to allow accessory apartments in a single family residence located in Multi Residence 1 and Multi Residence 2 zoned districts; and (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) and 30-9(h)(1)(d) to allow exterior alterations and add that any exterior alterations, other than alterations required for safety, are subject to FAR provisions. [06/09/09 @ 4:55 PM]
- ZONING & PLANNING APPROVED AS AMENDED 8-0**
- #46-10 ALD. CROSSLEY, HESS-MAHAN & LINSKY requesting adoption of an ordinance to provide for as-of-right siting of renewable or alternative energy generating facilities, renewable or alternative energy research and development facilities, or renewable or alternative energy manufacturing facilities in designated locations in order to satisfy the requirements to qualify as a Green Community under MGL Chapter 25A, §10 (c). [02/09/10 @ 7:25 PM]
- ZONING & PLANNING NO ACTION NECESSARY 8-0**
- #46-10(2) ALD. CROSSLEY, HESS-MAHAN & LINSKY requesting adoption of an ordinance to create an expedited application and permitting process under which renewable or alternative energy generating facilities, renewable or alternative energy research and development facilities, or renewable or alternative energy manufacturing facilities may be sited within the municipality and which shall not exceed one year from the date of initial application to the date of final approval, in order to satisfy the

requirements to qualify as a Green Community under MGL Chapter 25A, §10(c). [02/09/10 @ 7:25 PM]

ZONING & PLANNING NO ACTION NECESSARY 8-0

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, April 7, 2010

Appointment by His Honor the Mayor

#94-10 **BETHEL CHARKOUDIAN**, 18 Maple Avenue, Newton, appointed as the Ward 1 member of the PARKS & RECREATION COMMISSION for a term to expire on April 20, 2013. (60 days: 06/04/10) [03/30/10 @ 4:09 PM]

PROGRAMS & SERVICES APPROVED 8-0

Appointment by His Honor the Mayor

#95-10 **ANDREW STERN**, 56 Tyler Terrace, Newton Centre, appointed as the Ward 6 member of the PARKS & RECREATION COMMISSION for a term to expire on April 20, 2013. (60 days: 06/04/10) [03/30/10 @ 4:09 PM]

PROGRAMS & SERVICES APPROVED 8-0

Appointment by His Honor the Mayor

#96-10 **RICHARD TUCKER**, 23 Woodman Road, Chestnut Hill, appointed as the Ward 7 member of the PARKS & RECREATION COMMISSION for a term to expire on April 20, 2013. (60 days: 06/04/10) [03/30/10 @ 4:09 PM]

PROGRAMS & SERVICES APPROVED 8-0

Appointment by His Honor the Mayor

#97-10 **DONALD FISHMAN**, 68 Littlefield Rd., Newton Centre, appointed as an *alternate member* of the PARKS & RECREATION COMMISSION for a term to expire on April 20, 2013. (60 days: 06/04/10) [03/30/10 @ 4:09 PM]

PROGRAMS & SERVICES APPROVED 8-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#110-10 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend six hundred seventeen thousand nine hundred ninety-five dollars and fifty-two cents (\$617,995.52) from Receipts Reserved Fund 14, Account 3314L (Cable Reserve Funds) for the reinvestment and expansion of Newton North High School's and Newton South High School's television and media production facilities. [03/30/10 @ 4:09 PM]

FINANCE APPROVED 8-0 on 4/12/10

PROGRAMS & SERVICES APPROVED 7-0-1 (Sangiolo abstaining)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #51-10 ALD. CROSSLEY, HESS-MAHAN & LINSKY 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]
FINANCE APPROVED 7-0-1 (Freedman abstaining) on 4/12/10
PROGRAMS & SERVICES APPROVED 5-0 (Fischman, Hess-Mahan and Rice not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, April 7, 2010

- #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]
PUBLIC SAFETY APPROVED AS AMENDED 8-0; REFERRED TO FINANCE COMMITTEE

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, April 7, 2010

- #24-10 ALD. ALBRIGHT requesting a discussion regarding requiring any utility company that requests permission to bury wires in the street (to handle increased capacity or for any other reason) be required to: (1) choose a section of the street that has enough clearance to add additional conduit at the time of the work, or in the future, to bury additional conduit; (2) to add sufficient conduit to bury that utility's wires currently on the poles on that street at the time the work requested is undertaken. 01/11/10 @ 11:47 AM]
PUBLIC FACILITIES NO ACTION NECESSARY 7-0 (Danberg not voting)
- #418-09 ALD. ALBRIGHT requesting discussion with NStar Electric Company regarding standards for installing underground conduits and the possibility of providing additional conduit for future undergrounding projects.
PUBLIC FACILITIES NO ACTION NECESSARY 7-0 (Danberg not voting)

REFERRED TO PROG & SERV AND PUBLIC FACILITES COMMITTEES

- #68-10 ALD. FULLER, CROSSLEY, SCHNIPPER, DANBERG, FREEDMAN, JOHNSON, LAPPIN, SWISTON, BAKER, LINSKY, ALBRIGHT & YATES requesting a Resolution to His Honor the Mayor to conduct a comprehensive survey of the physical condition, maintenance and

renovation/replacement needs of municipal buildings, roads, sidewalks, recreational, utility and other infrastructure elements throughout the city, resulting in a database for prioritizing, maintaining and tracking of maintenance, and capital projects. [02/23/10 @ 2:04 PM]

PROGRAMS & SERVICES APPROVED 8-0 on 3/17/10
PUBLIC FACILITIES APPROVED AS AMENDED 6-0-1 (Gentile abstaining; Danberg not voting)

- #50-10 **ALD. CROSSLEY, HESS-MAHAN & LINSKY** 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]
PUBLIC FACILITIES APPROVED 7-0 (Danberg not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #112-10 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend two hundred thousand dollars (\$200,000) from Wage Reserve for the purpose of supplementing the payroll accounts of the Department of Public Works to fund the projected wages through the end of the fiscal year pursuant to the agreement reached with the Newton Municipal Employees Association in June 2009. [03/30/10 @ 4:09 PM]
FINANCE APPROVED 8-0 on 04/12/10
APPROVED 5-0-2 (Crossley and Lennon abstaining; Salvucci not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #399-09(2) **HIS HONOR THE MAYOR** requesting an amendment to Bond Authorization Board Order #399-09 for various sewer system improvements as follows:
FROM: Oakdale Road Sewer Project
(37A401E1A).....\$18,500
Farina Road Sewer Project
(37A401E2A).....\$18,500
Irving Street Sewer Project
(37A401E3A).....\$18,500
TO: Old Farms Road Sewer Project
(37A401E4A).....\$55,500
FINANCE APPROVED 4-0-4 (Freedman, Fuller, Linsky, Rice abstaining) on 4/12/10
PUBLIC FACILITIES APPROVED 7-0 (Salvucci not voting)

REFERRED TO FINANCE COMMITTEE

Monday, April 12, 2010

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#399-09(2) HIS HONOR THE MAYOR requesting an amendment to Bond Authorization Board Order #399-09 for various sewer system improvements as follows:

FROM:	Oakdale Road Sewer Project (37A401E1A).....	\$18,500
	Farina Road Sewer Project (37A401E2A).....	\$18,500
	Irving Street Sewer Project (37A401E3A).....	\$18,500
TO:	Old Farms Road Sewer Project (37A401E4A).....	\$55,500

PUBLIC FACILITIES APPROVED 7-0 on 04/07/10

FINANCE APPROVED SUBJECT TO 2nd CALL 4-0-4 (Freedman, Fuller, Linsky, Rice abstaining)

Clerk's Note: The Chair of Finance indicated that the information that the committee was seeking was provided and the item could be voted on first call.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#112-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred thousand dollars (\$200,000) from Wage Reserve for the purpose of supplementing the payroll accounts of the Department of Public Works to fund the projected wages through the end of the fiscal year pursuant to the agreement reached with the Newton Municipal Employees Association in June 2009. [03/30/10 @ 4:09 PM]

PUBLIC FACILITIES APPROVED 5-0-2 (Crossley and Lennon abstaining on 04/07/10

FINANCE APPROVED 8-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#110-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend six hundred seventeen thousand nine hundred ninety-five dollars and fifty-two cents (\$617,995.52) from Receipts Reserved Fund 14, Account 3314L (Cable Reserve Funds) for the reinvestment and expansion of Newton North High School's and Newton South High School's television and media production facilities. [03/30/10 @ 4:09 PM]

PROG & SERV APPROVED 7-0-1 (Sangiolo abstaining) on 04/07/10

FINANCE APPROVED 8-0

REFERRED TO COMM. ON COMM. PRES. AND FINANCE COMMITTEES

#28-10 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$362,500, including \$2,500 for City of Newton legal costs, be appropriated from the fiscal 2010 community housing and general reserves of the Community Preservation Fund and expended under the

direction and control of the Planning and Development Department, to create two units of perpetually affordable rental housing at 2148-2150 Commonwealth Avenue. [01/11/10 @ 4:23 pm]

CMTEE ON COMMUNITY PRES. APPROVED AS AMENDED 5-0-3 @\$375,000 (Blazar, Fuller and Harney abstaining) on 03/23/10 APPROVED AS AMENDED 4-0-4 @\$360,000 (Freedman, Fuller, Gentile, Linsky abstaining)

Motion to Suspend the Rules to allow Chair of Finance to Poll his Committee was Approved

FINANCE VOTED TO HOLD IN COMMITTEE 7-0

- #108-10 ALD. GENTILE, BAKER, FULLER, RICE, BLAZAR, FREEDMAN, SHAPIRO, HARNEY, JOHNSON AND MERRILL requesting a Resolution from the Board of Aldermen to the Retirement Board asking them not to spend public funds to send two members of the Retirement Board to a conference in Las Vegas this year. [03/26/10 @ 3:14PM]
FINANCE APPROVED 7-0-1 (Ciccone abstaining)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #51-10 ALD. CROSSLEY HESS-MAHAN & LINSKY 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]
PROG & SERV APPROVED 5-0 ON 04/07/10
FINANCE APPROVED 7-0-1 (Freedman abstaining)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 0 NAYS, 2 ABSENT (Ald. Freedman, Harney), 1 EXCUSED (Ald. Ciccone) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEM:

Class 2 & 3 Auto Dealer License Renewal

- #330-09 TODY'S SERVICES INC.
1362 Washington Street
West Newton
LAND USE APPROVED 8-0

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 0 NAYS, 2 ABSENT (Ald. Freedman, Harney), 1 EXCUSED (Ald. Fischman) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEM:

- #8-10(2) AGREEMENT TO AN EXTENSION OF TIME IN WHICH TO ACT on petition #8-10: Clear Wireless, LLC/American Tower request to add a

wireless antenna installation to an existing tower consisting of 3 panel antennae at the height of 115 feet and 9 wireless backhaul dishes at 250 feet in height, plus an ancillary ground-level equipment cabinet at 1165 CHESTNUT STREET, Ward 5; said extension will run from MAY 10, 2010 through JULY 30, 2010

Motion to suspend the rules to allow Land Use Chair to poll his committee Approved by Voice Vote

LAND USE APPROVED EXTENSION OF TIME 6-0

A PUBLIC HEARING WAS ASSIGNED FOR THE FOLLOWING ITEM:

Public Hearing assigned for April 21, 2010

#115-10 COMCAST CABLE petitioning for a grant of location to install and maintain 163' ± conduit in a westerly direction in DAVIS STREET and crossing HIGHLAND STREET to a proposed handhold located at 1326 Highland Street.