

## **REPORTS DOCKET**

June 9: Public Safety & Transportation; Public Facilities  
June 14: Finance; Zoning & Planning  
June 15: Land Use  
June 16: Programs & Services

Continued  
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Monday, June 7, 2010  
7:45 PM, Newton City Hall  
To be reported on  
**Monday, June 21, 2010**

### **CITY OF NEWTON**

#### **IN BOARD OF ALDERMEN**

#### **REFERRED TO LAND USE COMMITTEE**

Tuesday, June 15, 2010

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

Public Hearings were held on the following items:

- #136-10      **CHARLES RIVER COUNTRY CLUB, INC.** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL/EXTENSION OF A NONCONFORMING STRUCTURE to AMEND Special Permit #261-96 to replace an existing tent with an open-air pavilion of similar size with a permanent roof at 483 DEDHAM STREET, Ward 8, on land known as Sec 83, Blk 36, Lot 4, containing approx 6,446,022 sq ft of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007 and Special Permit #261-96.  
**HEARING CLOSED**
- #137-10      **SHARAD S. GANDBHIR** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an accessory apartment in an existing detached structure and to locate three parking spaces closer than five feet from the street, one of which would be located within the front setback at 298-300 ADAMS STREET, Ward 1, on land known as Sec 12, Blk 2, Lot 9C, containing approx 11,529 sf 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 30-19(m) of the City of Newton Rev Zoning Ord, 2007.  
**WITHDRAWAL WITHOUT PREJUDICE APPROVED 6-0**

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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 Kathleen Cahill, 617-796-1125, via email at [KCahill@newtonma.gov](mailto:KCahill@newtonma.gov) or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

#138-10 MARTY SIEGAL/661-669 WASHINGTON STREET REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NONCONFORMING STRUCTURE to add two additions (containing approx 1,205 sq ft) to the side and front of a commercial building and to waive one parking space at 675 WASHINGTON STREET, Ward 2, on land known as Sec 23, Blk 17, Lot 3, containing approx 33,176 sq ft of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(c)(2), (d), and (m), and 30-15 Table 3 of the City of Newton Rev Zoning Ord, 2007 and Special Permit #714-85.

**HEARING CLOSED**

#139-10 MAX & MAJORIE SCHECHNER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL/EXTENSION OF NONCONFORMING STRUCTURE to add a shed dormer wider than 50% of the length of the exterior wall of the story next below onto the rear of an existing two-family residence and to waive the dimensional requirements for parking spaces at 8-10 HATFIELD ROAD, Ward 3, on land known as Sec 34, Blk 18, Lot 1, containing approx 7,370 sq ft of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15(t)(a), 30-19(g) and (m) of the City of Newton Rev Zoning Ord, 2007.

**HEARING CLOSED**

**ZONING & PLANNING COMMITTEE**

Monday, June 14, 2010

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

#89-10(2) HIS HONOR THE MAYOR re-appointing CANDACE HAVENS as Interim Director of Planning and Development effective July 1, 2010 until a permanent replacement is hired, but not to exceed 90 days when the temporary appointment may be extended with Board of Aldermen approval pursuant to §3-6 of the City Charter. [06/01/10 @ 6:18 PM]  
**APPROVED 7-0 (Sangiolo not voting)**

#114-10 ALD. YATES AND RICE requesting reports from the Conservation Commission and Board of Survey on compliance with condition of permits given to allow the development of the Laura Road subdivision. [04/07/10 @ 10:59 PM]

**HELD 8-0**

#141-10(2) ZONING & PLANNING COMMITTEE requesting discussion with the Planning Department regarding changes in the City of Newton Ordinances **Section 22-22 Floodplain/watershed protection provisions.** [05/25/10 @ 10:23 AM]

**NO ACTION NECESSARY 7-0 (Sangiolo not voting)**

#142-10 THE PLANNING AND DEVELOPMENT BOARD requesting adoption of an amendment to **Chapter 20, Offenses and Miscellaneous Provisions**, of the City of Newton Ordinances relative to regulation of scenic roads. [05/10/10 @ 5:18 PM]

**APPROVED 7-0 (Sangiolo not voting)**

*Public Hearing assigned for June 28, 2010:*

#93-10 ALD. JOHNSON AND SANGIOLO requesting revision of **Section 30-27** of the City of Newton Ordinances governing membership of the Zoning Board of Appeals by providing selection criteria guidance and process so that the level of expertise in related areas, or the equivalent combination of experience and/or education is present in order to enhance the ability of the Board to increase its level of service to Newton. [03/26/10 @ 12:31 PM]

**HELD 7-0 (Sangiolo not voting)**

#92-10 ALD. JOHNSON AND SANGIOLO requesting revision of **Section 22-3(a)** of the City of Newton Ordinances governing membership of the Planning Board by providing selection criteria guidance and process so that the level of expertise in related areas, or the equivalent combination of experience and/or education is present in order to enhance the ability of the Board to increase its level of service to Newton. [03/26/10 @ 12:29 PM]

**HELD 7-0 (Sangiolo not voting)**

**PROGRAMS & SERVICES COMMITTEE**

Wednesday, June 16, 2010

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

Appointment by his Honor the Mayor

#172-10 RICHARD KRONISH, 22 Chestnut Terrace, Newton Centre, appointed as the organized labor representative member of the NEWTON HOUSING AUTHORITY for a term to expire June 21, 2015. (60 days 08/07/10) [06/01/10 @ 6:04 PM]

**APPROVED 4-0 (Linsky, Merrill not voting)**

- #90-10(2) HIS HONOR THE MAYOR appointing DONNALYN B. LYNCH KAHN as City Solicitor, effective June 1, 2010, pursuant to §3-3 of the City Charter. (30 days 7/7/10) [06/01/10 @ 5:19 PM]  
**APPROVED 5-0 (Merrill not voting)**
- #88-10(2) HIS HONOR THE MAYOR appointing ROBERT DERUBEIS as Commissioner of Parks & Recreation, effective June 1, 2010, pursuant to §3-3 of the City Charter. (30 days 7/7/10) [06/01/10 @ 5:19 PM]  
**APPROVED 5-0 (Merrill not voting)**
- #91-10(2) HIS HONOR THE MAYOR re-appointing LINDA WALSH Interim Director of Health and Human Services, effective July 1, 2010 until a permanent replacement is hired, but not to exceed 90 days when the temporary appointment may be extended with Board of Aldermen approval pursuant to §3-6 of the City Charter. (30 days 7/7/10) [06/01/10 @ 6:19 PM]  
**APPROVED 5-0 (Merrill not voting)**
- #10-10(3) HIS HONOR THE MAYOR requesting acceptance of the 2,574 square foot triangle of land in the southeastern portion of 192 Lexington Street to be donated by Parkview Homes, LLC, as required by the terms of their Comprehensive Permit in order to continue use of the footpath thereon. [06/01/10 @ 5:06 PM]  
**APPROVED 6-0**
- #242-03(5) PROGRAMS & SERVICES COMMITTEE requesting evaluation of the Off Leash Dog Pilot Program (Section 3-30(e) as established by ordinance Z-11) which was extended to June 30, 2010 to provide an opportunity for a fuller evaluation of the ordinance. [01/25/10 @ 4:45 PM]  
**NO ACTION NECESSARY 5-0 (Merrill not voting)**
- #242-03(6) ALD. ALBRIGHT requesting to amend Section 3-30 (as established by Ordinance Z-11) to create an off-leash dog areas ordinance. [04/26/10 @ 8:47 AM]  
**A. EXTEND ORDINANCE TO 9/30/10 APPROVED 6-1-0 (Ald. Sangiolo opposed; Ald. Merrill not voting)**  
**B. FURTHER AMENDMENTS HELD 7-0 (Ald. Merrill not voting)**  
**HELD 5-0 (Merrill not voting)**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, June 9, 2010

Present: Ald. Ciccone (Chairman), Harney, Johnson, Fuller, Shapiro and Yates; absent: Ald. Swiston and Freedman; also present: Ald. Sangiolo, Gentile, Baker, Schnipper, Salvucci, Lappin, Albright, Danberg, Gentile, Lennon and Crossley

#135-10 WARD 4 ALDERMEN appealing denial of Traffic Council Decision TC42-09 voted on April 29, 2010: ALD, HARNEY, SANGIOLO AND GENTILE requesting a) a study for possible traffic calming measures to regulate speed on the following streets: West Pine Street and Melrose Avenue near the Auburndale Cove playground and parking lot and b) request turning restrictions from Lexington Street onto Staniford Street during rush hour or any other means to reduce cut-through commuter traffic on the surrounding streets – Staniford, West Pine and Melrose Streets. (Ward 4) (Appeal filed on 04/30/10 @ 11:46 AM)  
**HELD 6-0, Approved a 60-day trial, No Right Turn, 7:00 a.m. to 9:00 a.m., Monday through Friday, Lexington Street onto Staniford Street.**

#143-10 ALD. SHAPIRO, YATES, BAKER, HESS-MAHAN, JOHNSON, SANGIOLO & CICCONE requesting a discussion and *Resolution* to the Mayor re the establishment of a “Newton Silver Alert” system, a city-based public notification procedure, using existing technology to quickly distribute information locally about missing persons with Alzheimer’s disease, dementia or other mental disabilities in order to aid in their safe return. [05/11/10 @ 5:19 PM]  
**APPROVED 6-0**

**REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES**

#196-09 ALD. MANSFIELD AND SANGIOLO requesting rescission of Sec. 19-99 (b), Speed humps of the Revised Ordinances of the City of Newton. [06/17/09 @ 11:24 PM]  
**(Recommitted to Public Safety & Transportation on 10/19/09; referred to Public Facilities on 5/17/10)**  
**PUBLIC FACILITIES HELD 7-0 (Salvucci not voting) on 6/9/10**  
**APPROVED 4-0-2 (Johnson and Shapiro Abstaining)**

**REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES**

#196-09(2) PUBLIC SAFETY & TRANSPORTATION COMMITTEE requesting to broaden Sec. 19-99, Speed humps of the Revised Ordinances of the City of Newton to cover all vertical deflection: raised intersections, raised crosswalks and speed humps, regardless of dimension. [01/20/10]  
**(Referred to Public Facilities on 5/17/10)**  
**PUBLIC FACILITIES HELD 7-0 (Salvucci not voting) on 6/9/10**  
**APPROVED 4-0-2 (Johnson and Shapiro Abstaining)**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, June 9, 2010

Present: Ald. Schnipper (Chairman), Lennon, Albright, Salvucci, Gentile, Crossley, Danberg, and Lappin; also present: Ald. Baker, Ciccone, Fuller, Harney Johnson, Sangiolo, Shapiro, and Yates

- #127-10 NSTAR ELECTRIC petitioning for a grant of location to install a new pole (514/12A) in CHURCH STREET on the northeasterly side 80'  
**APPROVED 7-0 (Danberg not voting)**
- #144-10 NSTAR ELECTRIC & GAS COMPANY petitioning a grant of location to install Pole # 1504/8 in LOMBARD STREET on the southerly side 240 ±' west of Concolor Street. (Ward 1) [05/06/05 @ 12:28 PM]  
**APPROVED 6-0 (Danberg and Gentile not voting)**
- #10-10(2) PARKVIEW HOMES, LLC. 192 Lexington Street, Auburndale, petitioning for a water main to be extended through a proposed easement from an existing end manhole in ALBERT ROAD a distance of approximately 280' across private property to a gate in LEXINGTON STREET. (Ward 4) [05/03/10 @ 11:54AM]  
**PETITIONER TO PAY ENTIRE COST**  
**APPROVED 7-0 (Gentile not voting)**
- #87-10(2) HIS HONOR THE MAYOR re-appointing ARTHUR CABRAL as Interim Commissioner of Public Buildings effective July 1, 2010 until a permanent replacement is hired, but not to exceed 90 days when the temporary appointment may be extended with Board of Aldermen approval pursuant to §3-6 of the City Charter.  
**APPROVED 7-0 (Gentile not voting)**
- #457-08 ALD. LAPPIN AND SALVUCCI requesting discussion with NStar regarding the timely repair of City streetlights and the development of a standard response timeframe. [11/20/08 @ 12:51 PM]  
**HELD 8-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #170-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend (A) seventy nine thousand five hundred dollars (\$79,500) from the Receipts Reserved for Appropriation Fund-Sale of Recyclables to fund the first year of a three-year lease-to-own a new front end loader and (B) eighty five thousand dollars (\$85,000) to purchase a new *Allu* heavy-duty compost material processing attachment for use in the composting operation at Rumford Avenue. [6/1/10 @ 5:05 PM]  
**FINANCE HELD 6-0 on 6/14/10**  
**APPROVED 6-0-2 (Gentile and Salvucci not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #171-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of sixty two thousand dollars (\$62,000) from DPW Salaries Expense to the Department of Public Works Environmental Affairs to cover the additional cost of residential solid-waste collection from the increased residential debris that resulted from the March 2010 storms. [6/1/10 @ 5:08 PM]  
**FINANCE APPROVED 6-0 on 6/14/10**  
**APPROVED 8-0**

**REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES**

- #196-09 ALD. MANSFIELD AND SANGIOLO requesting rescission of Sec. 19-99 (b), Speed humps of the Revised Ordinances of the City of Newton. [06/17/09 @ 11:24 PM]  
**(Recommitted to Public Safety & Transportation on 10/19/09**  
**Referred to Public Facilities on 5/17/10)**  
**PS&T APPROVED 4-0-2 (Johnson and Shapiro abstaining) on 6/9/10**  
**HELD 7-0 (Salvucci not voting)**

**REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES**

- #196-09(2) PUBLIC SAFETY & TRANSPORTATION COMMITTEE requesting to broaden Sec. 19-99, Speed humps of the Revised Ordinances of the City of Newton to cover all vertical deflection: raised intersections, raised crosswalks and speed humps, regardless of dimension. [01/20/10]  
**(Referred to Public Facilities on 5/17/10)**  
**PS&T APPROVED 4-0-2 (Johnson and Shapiro abstaining) on 6/9/10**  
**HELD 7-0 (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 (Lappin and Salvucci not voting)**

**REFERRED TO FINANCE COMMITTEE**

Monday, June 14, 2010

Present: Ald. Gentile (Chairman), Salvucci, Danberg, Fuller, Rice and Freedman; absent: Ald. Ciccone and Linsky; also present: Ald. Sangiolo, Lennon and Harney

- #164-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend seven hundred twelve thousand one hundred twenty-six dollars (\$712,126) from Free Cash for the purpose of funding potential prior year collective bargaining requirements for Fiscal Years 2007 through 2009. [06/01/10 @ 5:11 PM]  
**APPROVED 4-0 (Danberg and Rice not voting)**

- #131-10 HIS HONOR THE MAYOR requesting authorization to accept and expend a grant from Federal Emergency Management Agency (FEMA) FY'09 Assistance to Firefighters Grant Program for fifty-six thousand three hundred seventy-eight dollars (\$56,378) and appropriate fourteen thousand ninety-four dollars (\$14,094) from Free Cash to the federal grant fund for the purpose of providing the local share of the grant program, which will be used to provide emergency vehicle operations training. [04-27-10 6:06 PM]  
**APPROVED 5-0 (Danberg not voting)**
- #145-10 HIS HONOR THE MAYOR requesting an appropriation of fifty thousand dollars (\$50,000) from Free Cash to the Fire Injured on Duty Medical Account to fund ongoing medical expenses through June 30, 2010. [5-11-10 @ 3:10 PM]  
**APPROVED 5-0 (Danberg not voting)**
- #167-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend four hundred seventy-three dollars (\$473) from the Receipts Reserved for Appropriation Fund/Fire Prevention Fines, which funds are restricted for fire prevention purposes, to purchase 5 ticket books. [06/01/10 @ 5:10 PM]  
**APPROVED 5-0 (Danberg not voting)**
- #166-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend fourteen thousand six hundred dollars (\$14,600) from Free Cash to the Public Buildings Department for the purpose of funding enhanced landscaping related to the renovation project at Fire Station #4 at 195 Crafts Street. [06/01/10 @ 5:10 PM]  
**APPROVED 5-0 (Danberg not voting)**
- #163-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of fifteen thousand dollars (\$15,000) from the Commonwealth Golf Course Mayor's Golf Day Receipts Reserved for Appropriation Fund for youth attending Parks and Recreation camp programs. [6-1-10 @ 5:07 PM]  
**APPROVED 4-0-1 (Fuller abstaining, Danberg not voting)**
- #169-10 HIS HONOR THE MAYOR requesting a transfer of \$30,000 from Free Cash to the Planning & Development Department to replace office furniture and supplies that were lost due to flooding from the March 2010 storms. [06/01/10 @ 5:09 PM]  
**APPROVED 5-0 (Rice not voting)**



- #165-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred fifty thousand dollars (\$150,000) from the Riverside Traffic Mitigation Fund (special permit #40-97(2) and board order #155-00) for the purpose of installing traffic calming measures at Grove, Hagar, Concord, and Cornell Streets and Pine Grove Avenue as previously approved by the Board of Aldermen in board order nos. 21-05(5) and 342-08. [06/01/10 @ 5:11 PM]  
**APPROVED 4-1 (Salvucci opposed and Rice not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #106-10 HIS HONOR THE MAYOR proposing amendments to Chapter 11, Recycling and Trash, of the City of Newton Revised Ordinances 2007. [03/30/10 @ 4:08 PM]  
**PUBLIC FACILITIES APPROVED 5-0-1 (Albright abstaining) on 04-21-10**  
**Finance Approved subject to 2<sup>nd</sup> call 4-0-2 (Freedman and Fuller abstaining; Danberg not voting) on 5/24/10**  
**RECOMMITTED TO FINANCE ON 6/7/10**  
**APPROVED 4-0-2 (Freedman and Danberg abstaining)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #170-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend (A) seventy nine thousand five hundred dollars (\$79,500) from the Receipts Reserved for Appropriation Fund-Sale of Recyclables to fund the first year of a three-year lease-to-own a new front end loader and (B) eighty five thousand dollars (\$85,000) to purchase a new Allu heavy-duty compost material processing attachment for use in the composting operation at Rumford Avenue. [6/1/10 @ 5:05 PM]  
**PUBLIC FACILITIES APPROVED 6-0-2 (Gentile and Salvucci not voting) on 6/9/10**  
**HELD 6-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #171-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of sixty two thousand dollars (\$62,000) from DPW Salaries Expense to the Department of Public Works Environmental Affairs to cover the additional cost of residential solid-waste collection from the increased residential debris that resulted from the March 2010 storms. [6/1/10 @ 5:08 PM]  
**PUBLIC FACILITIES APPROVED 8-0 on 6/9/10**  
**APPROVED 6-0**

- #168-10      HIS HONOR THE MAYOR requesting transfers of two thousand dollars (\$2,000) from the postage account and two thousand five hundred dollars (\$2,500) from the printing account in the Health & Human Services Department to establish a Capital Account for the purpose of purchasing 3 laptop computers. [06/01/10 @ 5:08 PM]  
**APPROVED 6-0**

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

- #87-09      ALD. SANGIOLO, BRANDEL, FREEDMAN AND HESS-MAHAN requesting a Home Rule Petition to allow the City of Newton to require elected officials to contribute a higher percentage rate for health insurance benefits than is required for other employee groups. [03-10-09 @ 9:17 AM]  
**PROGRAM & SERVICES APPROVED 5-1-1 (Baker opposed; Merrill abstaining; Parker not voting) on 4/15/09**  
**APPROVED 6-0**