

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

Tuesday, September 7, 2010

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

Absent: Ald. Albright

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

#204-10      COMMISSIONER OF PUBLIC WORKS, ON BEHALF OF NSTAR, petitioning for a grant of location to relocate pole 128/6 to the opposite side of ELM ROAD, a distance of 50' +/- westerly from existing pole location. (Ward 2) [06/21/10 @ 5:13 PM]  
**PUBLIC FACILITIES APPROVED 6-0 WITH CONDITION on 7/12/10**  
**FULL BOARD APPROVED on JULY 13**  
**MOTION TO RECONSIDER 7/13 VOTE APPROVED on 8/9/10.**  
**ITEM POSTPONED ON AUGUST 9 TO DATE CERTAIN OF SEPTEMBER 7**  
**MOTION TO RECOMMIT TO PUBLIC FACILITITES APPROVED BY VOICE VOTE**

**Clerk's Note:** The Chair of the Public Facilities Committee stated that the Committee still had concerns over the high cost of the pole relocation and asked that the item be recommitted to the Public Facilities Committee for additional discussion and review.

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 0 NAYS, 1 ABSENT (Ald. Albright) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, August 10, 2010

#140-10      ANOTHER CAFÉ FIORELLA, INC./MICHAEL J. PENTA, SUSAN SGARZI PENTA & ANGELO D. PAOLINI, TRUSTEES OF THE SMC TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL/EXTENSION OF NONCONFORMING USE to expand an existing restaurant from 64 to 114 seats and to waive the side setback requirement for a parking facility of greater than five stalls at 187 NORTH STREET, Ward 3, on land known as Sec 21, Blk 12, Lot 10,

containing approx 24,108 sq ft of land in a district zoned MANUFACTURING. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(h)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

**LAND USE APPROVED 5-0-1 (Albright Abstaining)**

- #151-10 PIE PIE LLC d/b/a CONTINENTAL petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive 9 parking spaces in order to expand an existing 24-seat café to a 48-seat restaurant at 796 BEACON STREET, Ward 6, Newton Centre, on land also known as Sec 61, Blk 36, Lot 2, containing approx 3,945 sq ft of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 39-19(d)(13), and 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

**LAND USE APPROVED 6-0**

**A MOTION TO SUSPEND THE RULES TO ALLOW THE PUBLIC FACILITIES COMMITTEE TO REPORT OUT THE FOLLOWING ITEMS WITHOUT A WRITTEN REPORT WAS APPROVED BY VOICE VOTE**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

**Tuesday, September 7, 2010**

- #220-10 COMCAST & MIRRA COMPANY requesting a grant of location to install 3" conduit from a proposed 18" x 30" vault in the southerly side of Wells Avenue 100'± to the entrance of the parking lot at One Wells Avenue. [07/14/10 @ 2:16 PM]

**PUBLIC FACILITIES APPROVED 7-0**

- #221-10 NATIONAL GRID requesting a grant of location to install and maintain 70'± of 4" gas main in GREAT MEADOW ROAD from the existing 4" gas main at House #29 southeasterly to House #41. [07/21/10 @ 11:46 AM]

**PUBLIC FACILITIES APPROVED 70**

- #222-10 VERIZON requesting a grant of location to relocate Pole #170/19 in BEETHOVEN ROAD approximately 15" ± to the north of existing pole #170/19. [07/22/10 @ 2:30 PM]

**PUBLIC FACILITIES APPROVED 7-0**

- #232-10 COMMISSIONER OF PUBLIC WORKS requesting in accordance with Massachusetts General Law Ch. 40, Sec. 15., abandonment of a portion of a 20' wide City drain and sewer easement in the center of Section 63, Block 9, Lot 2 (Boston College Middle Campus) located at the corner of College Road and Beacon Street and acceptance of a 20' wide sewer and drain easement located parallel to College Road. [08-05-10 @ 3:35 PM]

**PUBLIC FACILITIES APPROVED 7-0**

- #233-10 COMMISSIONER OF PUBLIC WORKS requesting acceptance of a sidewalk easement granted by Boston College with a length of 450' and area of 2,053 sq. ft. to be laid out, graded and accepted as a part of the public way known as College Road. [08-05-10 @ 3:35 PM]  
**PUBLIC FACILITIES APPROVED 7-0**

**A MOTION TO SUSPEND THE RULES TO ALLOW THE FINANCE COMMITTEE TO REPORT OUT THE FOLLOWING ITEM WITHOUT A WRITTEN REPORT WAS APPROVED BY VOICE VOTE**

**REFERRED TO FINANCE COMMITTEE**

Tuesday, September 7, 2010

- #227-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one million three hundred seventy-eight thousand three hundred fifty-three dollars (\$1,378,353) from Wage Reserve and ninety-five thousand dollars (\$95,000) from FY' 11 Budget Reserve to the FY11 Police Department Personnel Budget to meet the retroactive obligation of the City of Newton under the Joint Labor Management Committee's settlement decision regarding the Newton Patrol Officers. [08/02/10 @ 5:00 PM]  
**FINANCE APPROVED 8-0**

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 0 NAYS, 1 ABSENT (Ald. Albright), 1 EXCUSED (Ald. Salvucci) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEM:**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, August 10, 2010

- #178-10 EDWARD TAPPER PLOTKIN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive the minimum dimension of a parking stall and to waive the minimum dimension of an entrance/exit drive in order to relocate one of two existing tandem parking spaces at 64 EDDY STREET, Ward 3, West Newton, on land known as Sec 21, Blk 37, Lot 14, containing approximately 4,663 sf of land in a district zoned MULTI RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-19(g)(2), (3), and 30-19(m) of the City of Newton Rev Zoning Ord, 2007.  
**LAND USE APPROVED 6-0**

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 1 NAY (ALD. SANGIOLO), 1 ABSENT (Ald. Albright), TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEM:**

**MOTIONS TO SUSPEND THE RULES TO ALLOW THE COMMITTEE ON COMMUNITY PRESERVATION AND THE FINANCE COMMITTEE TO REPORT OUT THE FOLLOWING ITEM WITHOUT A WRITTEN REPORT WAS APPROVED BY VOICE VOTE**

**REFERRED TO FINANCE & COMMITTEE ON COMMUNITY PRESERVATION**

Tuesday, September 7, 2010

**REFERRED TO CMTE. ON COMM. PRESERV. & FINANCE COMMITTEE**

#88-07(4) COMMUNITY PRESERVATION COMMITTEE recommending that the sum of four hundred fifty two thousand dollars (\$452,000) be appropriated from the fiscal 2001 general reserve of the Community Preservation Fund and expended under the direction and control of the Director of Planning and Development, to satisfy a court judgment adjusting the price paid in 2007 for 20 Rogers Street as an addition to public recreation land at Crystal Lake. [08/23/10 @ 3:21 PM]

**FINANCE APPROVED 6-0 (Linsky and Danberg not voting)**  
**COMMITTEE ON COMMUNITY PRESERVATION APPROVED**  
**5-0**

**A MOTION TO SUSPEND THE RULES TO ALLOW THE FOLLOWING SIX LATE FILED ITEMS TO BE ACCEPTED ON THE DOCKET AND REFERRED TO THE APPROPRIATE COMMITTEES WAS APPROVED BY VOICE VOTE**

**REFERRED TO LAND USE COMMITTEE**

#234-10 WOODLAND GOLF CLUB of AUBURNDALE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION of A NONCONFORMING USE and STRUCTURE to construct a new pool house building; new food service building; new patio deck and to expand an existing pool deck and replace an existing kiddie pool at 1897 WASHINGTON STREET, Ward 4, Auburndale, on land known as SBL 43, 36, 11 containing approx. 2,291,142 sf of land in a district zoned SINGLE RESIDENCE 1 and 2. Ref: 30-24, 30-23, 30-21(a)(2)a) and b), 30-21(b)(2), 30-15(m) of the City of Newton Rev Zoning Ord, 2007 and special permit nos. 101-87 and 517-83.

**REFERRED TO ZONING & PLANNING COMMITTEE**

- #89-10(3) HIS HONOR THE MAYOR re-appointing CANDACE HAVENS Interim Director of Planning and Development effective October 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. [9/01/10 @4:48 PM]

**REFERRED TO PROGRAMS & SERVICES COMMITTEE**

- #91-10(3) HIS HONOR THE MAYOR re-appointing LINDA WALSH Interim Director of Health and Human Services, effective October 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. [09/01/10 @4:38 PM]

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

- #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]
- #246-10 HIS HONOR THE MAYOR appointing Stephanie Gilman as COMMISSIONER OF PUBLIC BUILDINGS pursuant to Sec. 3-3(a) of the City Charter, effective September 13, 2010 (30-day Board action date 10/7/10). [09/01/10 @ 4:38 PM]

**REFERRED TO FINANCE COMMITTEE**

- #219-10(2) HIS HONOR THE MAYOR appointing Rositha Durham as CHIEF PROCUREMENT OFFICER, pursuant to Sec. 3-3(a) of the City Charter, effective August 30, 2010 (30-day Board action date 10/7/10). [09/01/10 @ 4:38 PM]

**PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:*****Public Hearing Assigned for October 5, 2010:***

- #234-10 WOODLAND GOLF CLUB of AUBURNDALE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION of A NONCONFORMING USE and STRUCTURE to construct a new pool house building; new food service building; new patio deck and to expand an existing pool deck and replace an existing kiddie pool at 1897 WASHINGTON STREET, Ward 4, Auburndale, on land known as SBL 43, 36, 11 containing approx. 2,291,142 sf of land in a district zoned SINGLE RESIDENCE 1 and 2. Ref: 30-24, 30-23, 30-21(a)(2)a) and b), 30-21(b)(2), 30-15(m) of the City of Newton Rev Zoning Ord, 2007 and special permit nos. 101-87 and 517-83.

#234-10 WOODLAND GOLF CLUB of AUBURNDALE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION of A NONCONFORMING USE and STRUCTURE to construct a new pool house building; new food service building; new patio deck and to expand an existing pool deck and replace an existing kiddie pool at 1897 WASHINGTON STREET, Ward 4, Auburndale, on land known as SBL 43, 36, 11 containing approx. 2,291,142 sf of land in a district zoned SINGLE RESIDENCE 1 and 2. Ref: 30-24, 30-23, 30-21(a)(2)a and b), 30-21(b)(2), 30-15(m) of the City of Newton Rev Zoning Ord, 2007 and special permit nos. 101-87 and 517-83.

**Public Hearing Assigned for October 12, 2010:**

#215-10 CLEAR WIRELESS, LLC/CAPASSO ASSOCIATES LIMITED PARTNERSHIP petition to install 3 panel antennas and 2 wireless backhaul dishes within a stealth chimney on the roof of an existing apartment building at 199 LEXINGTON STREET, Ward 4, Auburndale, on land known as SBL 41, 31, 18A, containing approx 40,189 sf of land in a district zoned MULTI RESIDENCE 2. (Ref: Sec 30-24, 30-23, 30-18(A)(f) of the City of Newton Rev Zoning Ord, 2007.

**Public Hearing Assigned for September 20, 2010**

#241-10 NATIONAL GRID petitioning for a grant of location to install and maintain 229'  $\pm$  of 4" gas main in WARREN ROAD from the existing 12" gas main in Beacon Street northerly to 17 Warren Road. WARD 5 [08/10/10 @ 2:39 PM]

**Public Hearing Assigned for September 22, 2010**

#242-10 NATIONAL GRID petitioning for a grant of location to install and maintain 60'  $\pm$  of 6" gas main in HARWICH ROAD from the existing 6" gas main in Harwich Road at House No. 149 southerly to House No. 156. WARD 8 [08/10/10 @ 2:38 PM]

**Public Hearing Assigned for September 22, 2010**

#243-10 NATIONAL GRID petitioning for a grant of location to install and maintain 89'  $\pm$  of 4" gas main in OLD FARM ROAD from the existing 4" gas main in Fairhaven Street southeasterly to 203 Old Farm Road. WARD 8 [08/26/10 @ 11:22 AM]