

CITY OF NEWTON
IN BOARD OF ALDERMEN
BOARD ACTIONS

Monday, October 4, 2010

Present: Ald. Albright, 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

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 24 YEAS, 0 NAYS, 0 ABSENT TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

REFERRED TO LAND USE COMMITTEE

Tuesday, September 21, 2010

Present: Ald. Hess-Mahan (Chairman), Ald. Merrill, Albright, Fischman, Blazar, Schnipper, Crossley, and Harney; also present: Ald. Rice, Lennon, Ciccone, and Baker

Public Hearings were opened on the following items:

- #105-09(2) YANPING SUN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an accessory apartment in an existing single-family dwelling, including the waiver of landscaping requirements for a parking facility, at 87 WOODWARD STREET, Ward 5, Newton Highlands, on land known as Sec 52, Blk 1, Lot 27, containing 12,786 sq ft of land in a district zoned SINGLE RESIDENCE 2.
LAND USE HEARING CONTINUED TO OCTOBER 5, 2010
- #211-10 BRUNO PALUMBO TRUSTEE, PALUMBO FAMILY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND a NONCONFORMING USE to demolish an existing two-family dwelling and replace it with six 2.5-story attached dwelling units, with associated waivers from the 24-foot height requirement and from parking requirements for maneuvering space/aisles/driveway width/handicapped parking, and to construct a greater than four-foot retaining wall within the side setback at 244 ADAMS STREET, Ward 1, Nonantum, on land known as Sec 14, Blk 14, Lots 3 and 4, containing approx 13,966 sq ft of land in a district zoned BUSINESS 2.
LAND USE HEARING CLOSED
- #213-10 NEWTON HISTORICAL SOCIETY/DURANT HOMESTEAD FOUNDATION, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXPAND A NONCONFORMING STRUCTURE to demolish and rebuild a portion of the Durant-Kenrick Homestead to accommodate a new, larger visitor entry area and meeting space to allow a museum, which includes a waiver from the required number of parking spaces and their dimensions, at 286 WAVERLEY AVENUE, Ward 7, Newton, on land known as Sec 73, Blk 9, Lot 17, containing approx

24,638 sq ft of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)b), 30-21(b), 30-19(d)(13), 30-19(g)(1)&(2), 30-19(m), 30-8(b)(4) of the City of Newton Rev Zoning Ord, 2007.

LAND USE HEARING CLOSED; ITEM APPROVED 8-0

REFERRED TO LAND USE COMMITTEE

Tuesday, September 28, 2010

- #214-10 **NEW ENGLAND DEVELOPMENT LLC/NED CHESTNUT HILL SQUARE LLC/G&K LLC/KEY CHESTNUT LLC** petition for a change of zone to *Business 4* for parcels located at 200-230 Boylston Street also identified as Section 82, Block 2, Lots 10, 14, 15, 15A, 15B, 15C, 29, 30, 8, 9, 18, currently zoned Business 1, Lot 11, currently zoned Limited Manufacturing, and 13 and 32, currently zoned Multi Residence 2.

LAND USE HEARING CLOSED

- #214-10(2) **NEW ENGLAND DEVELOPMENT LLC/NED CHESTNUT HILL SQUARE LLC/G&K LLC/KEY CHESTNUT LLC** petition for a **SPECIAL PERMIT/SITE PLAN APPROVAL** to construct a mixed-use retail and residential development, including an 8-story building containing approx. 91 residential units, approximately 102,000 sq ft of retail (with open air businesses) and restaurant space (over 50 seats), a 60,000 sq ft medical office building, 30,000 sq-ft health club and waivers from associated parking requirements, including but not limited to a multi-level parking facility, driveway width in excess of 25', valet parking, dimensions for handicapped parking stalls, retaining walls of greater than 4' in setbacks, and additional freestanding signs; number of signs; and signs exceeding the allowed square footage at 200-230 BOYLSTON STREET, 7 HAMMELL PLACE LLC, and 114 and 146 FLORENCE STREET, Ward 7, Chestnut Hill, on land known as Sec 82, Blk 2, Lots 8, 9, 10, 11, 13, 14, 15, 15A, 15B, 15C, 18, 29, 30, and 32 containing approx 11.32 acres of land in a *proposed* BUSINESS 4 zoned district. Ref: Sec 30-24, 30-23, 30-15 Table 3, 30-11(7), (8), (9), and (10), 30-19(d)(18), 30-19(f), 30-19(h)(2)c), (4),(5)b), 30-19(m), 30-20(c), 30-20(d)(2), 30-20(i)(4), 30-20(f), 30-20(l) of the City of Newton Rev Zoning Ord, 2007.

LAND USE HEARING CLOSED 7-1

REFERRED TO ZONING AND PLANNING COMMITTEE

Monday September 28, 2010

- #216-10 **KSKIM UBS EQUITY PARTNERS LLC**, owners of property at 19-31 Needham Street, proposing that chapter 30 section §30-13(a) *Allowed Uses in Mixed Use 1 Districts*, be amended by adding a new subsection (5) as follows: "(5) Service establishment;" and that existing subsection (5) be re-numbered (6) and that section §30-13(b) *Special Permits in Mixed Use 1 Districts* be amended by deleting subsection "(4) service establishment;" and re-numbering subsequent subsections (4) through (15). [7/26/10 @2:26 PM] 90 days 12/26/10

ZONING & PLANNING HEARING CLOSED; ITEM HELD 8-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, September 22, 2010

- #239-10 CAROL KELLY, 44 Walker Street, Newtonville, appointed as a member of the HUMAN RIGHTS COMMISSION for a term of office to expire September 7, 2013 (60 days 10/6/10). [8/30/10 @5:14PM]
PROGRAMS & SERVICES APPROVED 7-0

Appointment by His Honor the Mayor

- #255-10 RICK LIPOF, 105 Baldpate Hill Road, Newton Centre, appointed as a member of the Election Commission to fill the unexpired term of David Mofenson, which expires on March 31, 2011 (60 days 11/19/10). [9/13/2010 @ 5:46pm]
PROGRAMS & SERVICES APPROVED 7-0

Re-appointment by His Honor the Mayor

- #256-10 KENNETH HARTFORD, 30 Clarendon Street, Newtonville, re-appointed as a member of the Election Commission for a term of office to expire March 31, 2013 (60 days 11/19/10). [9/13/2010 @ 5:46pm]
PROGRAMS & SERVICES APPROVED 7-0

Re-appointment by His Honor the Mayor

- #257-10 FAY COHEN, 25 Cottonwood Road, Newton Centre, re-appointed as member of the Election Commission for a term of office to expire March 31 2013 (60 days 11/19/10). [9/13/2010 @ 5:46pm]
PROGRAMS & SERVICES APPROVED 7-0

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, September 22, 2010

- #160-10 PLANNING DEPARTMENT and 128 Business Council requesting a discussion of proposed new shuttle to serve portions of Waltham and Newton. [05/14/10 @ 10:42AM]
PUBLIC SAFETY APPROVED 6-0
- #263-09 ALD. BRANDEL & LINSKY requesting a discussion with the city traffic engineer and a representative of the management of the Avalon Bay apartment complex relative to the status of the traffic signal on Needham Street, including funding, application, the approval process, and an anticipated date for installation. [08/10/09 @ 8:34 AM]
PUBLIC SAFETY NO ACTION NECESSARY 6-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, September 22, 2010

- #242-10 NATIONAL GRID petitioning for a grant of location to install and maintain 60' ± 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 FACILITIES APPROVED 7-0 (Gentile not voting)
- #243-10 NATIONAL GRID petitioning for a grant of location to install and maintain 89' ± 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]
PUBLIC FACILITIES APPROVED 7-0 (Gentile not voting)
- #258-10 NATIONAL GRID petitioning for a grant of location to install and maintain 110' ± of 6" gas main in BEECHER PLACE from the existing 6" gas main in Beecher Place at Beecher Terrace easterly to 50 Beecher Place. WARD 6 [09/01/10 @ 12:01 PM]
PUBLIC FACILITIES APPROVED 8-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Monday, September 27, 2010

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #231-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of thirty thousand dollars (\$30,000) from the Angier School Boiler Replacement Project to the Williams School Boiler Replacement Project. [08/02/10 @ 5:02 PM]
FINANCE APPROVED AS AMENDED 6-0 1 (Linsky abstaining) on 9/27/10
PUBLIC FACILITIES APPROVED AS AMENDED 6-0 (Lennon not voting)

REFERRED TO FINANCE COMMITTEE

Monday, September 27, 2010

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #231-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of thirty thousand dollars (\$30,000) from the Angier School Boiler Replacement Project to the Williams School Boiler Replacement Project. [08/02/10 @ 5:02 PM]
PUBLIC FACILITIES APPROVED AS AMENDED 6-0 (Lennon not voting) on 9/27/10
FINANCE APPROVED AS AMENDED 6-0-1 (Linsky abstaining)
- #260-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one thousand six hundred dollars (\$1,600) from the Special Permit Mitigation Fund established with contributions from Panera Bread (#242-09), Lumiere Restaurant (#18-98(2)), Down Under

Yoga (#246-09) and 548 Centre Street/48 Hollis Street (#16-10) for the purpose of funding the cost of shipping bicycle racks. [09/13/10 @ 3:03 PM]

FINANCE APPROVED 7-0

#260-10(2) HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty-five thousand dollars (\$25,000) from FY11 Budget Reserve to the Planning Department for the purchase of bicycle racks and authorization to accept a grant in the amount of twenty-five thousand dollars (\$25,000) from the Metropolitan Area Planning Council for the purpose of reimbursing the FY11 Budget Reserve once the bicycle racks are purchased. [09/13/10 @ 3:03 PM]

FINANCE APPROVED 7-0

#261-10 HIS HONOR THE MAYOR requesting authorization to accept funds donated by the Newton Conservators, Friends of Nahanton Park, and the Newton Community Farm, Inc. in the amount of four thousand five hundred dollars (\$4,500) and expend it for the purpose of funding a Natural Resources Inventory and Management Plan for Nahanton Park. [09/13/10 @ 5:52 PM]

FINANCE APPROVED 7-0

#265-10 HIS HONOR THE MAYOR requesting Board of Aldermen authorization pursuant to MGL Chapter 30B §12 to grant up to three (3) one-month extensions of Contract #C-2542 Parking Violation Process and Collection System, with Complus Data Innovations, Inc. for the purpose of allowing the City to continue to process parking violations. [09/20/10 @ 12:46 PM]

FINANCE APPROVED 7-0

#209-10 ALD. FULLER, BAKER, BLAZAR, DANBERG, FREEDMAN, HESS-MAHAN, JOHNSON, LAPPIN, LINSKY, SALVUCCI AND SWISTON requesting that the Board of Aldermen establish an investment vehicle into which appropriations may be made for future post-employment benefits, especially health care coverage for retirees. A number of investment vehicles will be considered, including an Other Post-Employment Benefits (OPEB) Stabilization Fund or an Other Post-Employment Benefits Liability Trust Fund that can be adopted under the provisions of Massachusetts General Laws Chapter 32B, §20. [06/22/10 @ 3:10 PM]

FINANCE NO ACTION NECESSARY 7-0

209-10(2) HIS HONOR THE MAYOR requesting acceptance of Massachusetts General Law Chapter 32B, Section 20. Other Post-Employment Benefits Liability Trust Fund; local option; funding schedule, which authorizes the establishment of a separate fund, to be known as the Other Post-Employment Benefits Liability Trust Fund, a for the purpose of providing an irrevocable, dedicated trust fund as a vehicle to make advance contributions for retirement health care benefits. [08/02/10 @ 5:00 PM]

FINANCE APPROVED 7-0

- #209-10(3) HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thirty-seven thousand dollars (\$137,000) from the General Fund to the Other Post-Employment Benefits Liability Trust Fund. [08/02/10 @ 5:01 PM]
FINANCE APPROVED 7-0
- #226-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of six thousand one hundred fifty-one dollars (\$6,151), which was generated from the Newton North Yard Sale, from the FY10 General Fund Surplus Revenue Account to a special account to be overseen by the principal of Newton North High School to be utilized to enhance the community in the new high school. [08/02/10 @ 4:58 PM]
FINANCE APPROVED 7-0
- #224-10 HIS HONOR THE MAYOR requesting authorization to establish and transfer the sum of two million six hundred forty-three thousand two hundred seventy-one dollars (\$2,643,271) from FY10 Free Cash to an Undesignated Stabilization Fund. [08/02/10 @ 5:01 PM]
FINANCE APPROVED 7-0 as amended to Rainy Day Stabilization Fund

REFERRED TO REAL PROPERTY REUSE COMMITTEE

Thursday, September 23, 2010

- #150-09(2) REAL PROPERTY REUSE COMMITTEE requesting that a working group consisting of Reuse members Aldermen Crossley and Linsky, along with Ward 2 Aldermen Albright and Johnson meet with the Executive Department, the Commissioner of Public Works, and the Planning Department to review the potential redundancy and future use of the Austin Street municipal parking lot.
REAL PROPERTY APPROVED 5-0

A MOTION TO SUSPEND THE RULES TO ALLOW THE FOLLOWING LATE FILED ITEM TO BE ACCEPTED ON THE DOCKET AND REFERRED TO THE APPROPRIATE COMMITTEE WAS APPROVED BY VOICE VOTE

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

- #275-10 HIS HONOR THE MAYOR requesting Board of Alderman approval to increase the Police Department complement of officers to a total of 140 from the period beginning October 18, 2010 through October 31, 2010, which will allow a new recruit to begin the Police academy on the 18th of October during which period a Sergeant, who must retire by the 31st of October, will continue to serve thereby eliminating a substantial amount of shift coverage overtime. [10-01-10 @ 12:34PM]

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public Hearing assigned for November 9, 2010:

#266-10 BILL'S HOUSE OF PIZZA/B&E BEACON REALTY, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a restaurant in excess of 50 seats (from 33 to 57 seats) and to waive 9 parking stalls at 751-753 BEACON STREET, Ward 6, Newton Centre, on land known as SBL 61, 27, 20, located in district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-19(c)(3), (d)(9) and (13), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing assigned for October 6, 2010

#268-10 24 PINE LLC, GARY & LINDA SCHMITT, requesting Construction of Main Drain, Common Sewer and Water Main in Evergreen Circle, a proposed subdivision road and a portion of Subdivision Lots 1 and 2 from the existing utility services on Pine Street 400' ± southerly to the proposed private way. Ward 4 [09-24-10 @ 2:18 PM]
PETITIONER TO PAY ENTIRE COST

Public Hearing assigned for October 20, 2010

#269-10 VERIZON NEW ENGLAND petitioning for a grant of location to remove and replace an existing tree guy with a new sidewalk anchor guy on Pole 1207-6 located on the north side of SHERBROOKE ROAD. Ward 7 [09-20-10 @ 9:55 AM]