

REPORTS DOCKET

Oct. 19: Land Use Continued
Oct. 20: Programs&Services; Public Safety&Transportation; Public Facilities Page 216
Oct. 25: Finance; Zoning&Planning Monday, October 18, 2010
Oct. 26: Post Audit&Oversight 7:45 PM, Newton City Hall
Committee on Community Preservation To be reported on
Monday, November 1, 2010

CITY OF NEWTON

IN BOARD OF ALDERMEN

UNFINISHED BOARD BUSINESS

Item Postponed on 10/18/10 to date certain of 11/1/10:

#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 approx 12,786 sq ft of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-8(d)(2), 30-19(i)(1), and 30-19(m) of the City of Newton Rev Zoning Ord, 2007.
LAND USE APPROVED 6-0-2 (Merrill and Schnipper abstaining) on 10/5/10
Conditions 4. B. and 4. C. amended by Full Board on 10/18/10

REFERRED TO LAND USE COMMITTEE

Tuesday, October 19, 2010

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

#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.
HELD 8-0

- #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.

HELD 8-0

REFERRED TO ZONING AND PLANNING COMMITTEE

Monday, October 25, 2010

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

- #142-09(4) INTERIM DIRECTOR OF PLANNING AND DEVELOPMENT requesting discussion of findings of Floor Area Ratio Working Group and consideration of recommended revisions to Chapter 30 regarding FAR limits tied to lot sizes and definitions of “gross floor area”, “carport”, “mass below first story”, “porch”, “enclosed porch”, and “floor area ratio” as well as phasing of ongoing changes. [05/11/10 @ 7:07 PM]

HELD 6-0

- #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 from pub hearing- Dec 26, 2010

NO ACTION NECESSARY 4-0 (Sangiolo and Shapiro not voting)

#336-08 ALD. LAPPIN requesting a discussion re the creation of an index for the zoning ordinances. [9/12/08 @10:31 AM]
NO ACTION NECESSARY 6-0

#10-06 ALD. JOHNSON, DANBERG, SANGIOLO, BAKER, & HESS-MAHAN requesting the adoption of legislation to enable the establishment of neighborhood conservation districts in Newton.
NO ACTION NECESSARY 6-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, October 20, 2010

Present: Ald. Sangiolo (Chairman), Merrill, Rice, Blazar, Linsky, Baker, Hess-Mahan, Fischman
 Also present: Ald. Lennon, Yates, Fuller

Appointment by His Honor the Mayor

#240-10(2) KAREN LISCHINSKY, 230 Walnut Street, Newtonville, appointed as a member of the YOUTH COMMISSION for a term of office to expire November 1, 2013 (60 days 11/29/2010). [10/01/2010@ 12:34pm]
APPROVED 8-0

#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]
APPROVED 7-0 (Sangiolo not voting)

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]
PS&T VOTED NO ACTION NECESSARY on 9/22/10
NO ACTION NECESSARY 7-0 (Sangiolo not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#274-08 ALD. JOHNSON AND SANGIOLO proposing a RESOLUTION to His Honor the Mayor requesting that he create a plan to move the Child Care Commission to a self-sustaining model for FY2010. [07/17/08 @ 9:53 AM]
FINANCE VOTED NO ACTION NECESSARY on 3/8/10
NO ACTION NECESSARY 6-0 (Hess-Mahan and Baker not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #262-10 PRESIDENT LENNON AND ALDERMAN FULLER recommending that the 2010 – 2011 Rules and Orders of the Board of Aldermen be amended to establish a FINANCIAL AUDIT ADVISORY COMMITTEE. The advisory committee will report to the Board of Aldermen through the Finance Committee. The focus of the committee’s work will be on the annual financial audit of the City and any other fiscal accountability matters, as deemed important by the Finance Committee, needing review. [09-13-10 @ 1:52 PM]
FINANCE APPROVED 7-0 on 09/27/10
REFERRED TO RULES SUBCOMMITTEE 6-0 (Hess-Mahan and Sangiolo not voting)
- #346-99 ALD. SANGIOLO requesting creation of an ordinance that would prohibit dogs (leashed or unleashed) from all elementary school playgrounds.
NO ACTION NECESSARY 7-0 (Hess-Mahan not voting)
- #363-09 ALD. SANGIOLO requesting a discussion to increase the tobacco seller license fee. [09/13/10 @ 1:07 PM]
HELD 7-0 (Hess-Mahan not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, October 20, 2010

Present: Ald. Ciccone (Chair), Harney, Swiston, Fuller, Shapiro, Yates, Freedman and Johnson:
 also present: Ald. Sangiolo

- #127-09(2) IRA KRONITZ appealing the Denial of TC20-09 Traffic Council Decision on 6/25/09: ALD. SCHNIPPER proposing two stop signs at the intersection of Jackson and Daniels Streets.
TRAFFIC COUNCIL DECISION OF DENIAL UPHELD 8-0
- #135-10 The 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)
Approved a 60-day trial on 06/09/10, No Right Turn, 7:00 a.m. to 9:00 a.m., Monday through Friday, Lexington Street onto Staniford Street.
HELD 8-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, October 20, 2010

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

Absent: Ald. Gentile and Danberg

- #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]
APPROVED 5-0 (Lennon not voting)
- #272-10 PRESIDENT LENNON recommending Jeremy Munn, 971 Walnut Street, Newton Highlands, be appointed as an Aldermanic appointee to the DESIGN REVIEW COMMITTEE, term of office to expire 12/31/11. [09-17-10 @ 9:33 AM]
APPROVED 6-0
- #271-10 PRESIDENT LENNON recommending Howard Goldberg, 27 Theodore Road, Newton Centre, be re-appointed as an Aldermanic appointee to the DESIGNER SELECTION COMMITTEE, term of office to expire 12/31/11. [09-23-10 @ 11:11 AM]
APPROVED 6-0
- #270-10 PRESIDENT LENNON recommending Lawrence Bauer, 42 Eliot Memorial Road, Newton, be re-appointed as an Aldermanic appointee to the DESIGNER SELECTION COMMITTEE, term of office to expire 12/31/11. [09-23-10 @ 11:11 AM]
APPROVED 6-0
- #295-10 HIS HONOR THE MAYOR requesting Board of Alderman approval to increase the Public Buildings Department personnel by one employee for the period beginning October 25, 2010 through February 12, 2011. [10/08/10 @ 2:20PM]
APPROVED 5-0 (Lennon not voting)
- #175-09 PUBLIC FACILITIES COMMITTEE requesting monthly updates from the Department of Public Works on the Commonwealth Avenue project. [06-03-09 @ 10:30 PM]
HELD 5-0 (Schnipper not voting)
- #244-10 ALD. SALVUCCI requesting discussion with the Utilities Director and the Public Works Commissioner regarding the possibility of installing second water meters for outside irrigation. [08/17/10 @ 12:18 PM]
HELD 6-0

- #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

REFERRED TO FINANCE COMMITTEE

Monday, October 25, 2010

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

- #296-10 NEWTON RETIREMENT BOARD requesting Board of Aldermen acceptance of Chapter 131, Sections 27 and 28 of the Acts of 2010 related to local option to supplemental pension allowance to surviving spouses of disabled employees.
APPROVED 4-2-1 (Freedman, Fuller opposed; Danberg abstaining; Ciccone excused)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #230-10 HIS HONOR THE MAYOR requesting an appropriation in the amount of eight hundred twenty-one thousand six hundred sixty-four dollars (\$821,664) from FY'11 Revenue for the purpose of supplementing the FY11 School Department budget. This sum represents a portion of the state aid for the City of Newton in the Commonwealth's adopted FY'11 budget. [08/02/10 @ 4:59 PM]
PROGRAMS & SERVICES APPROVED 8-0 on 10/06/10
APPROVED 6-0 (Ciccone and Danberg not voting)
- #229-10 HIS HONOR THE MAYOR requesting an appropriation in the amount of eight thousand three hundred eighty-six dollars (\$8,386) from FY11 Revenue for the purpose of increasing the FY'11 State assessment appropriation. [08/02/10 @ 4:59 PM]
NO ACTION NECESSARY 6-0 (Ciccone and Danberg not voting)
- #297-10 HIS HONOR THE MAYOR requesting authorization to accept and expend a grant from the Massachusetts Emergency Management Agency in the amount of six thousand five hundred dollars (\$6,500) to be used to offset training equipment costs for members of the Newton Auxiliary Police Force. [10/08/10 @ 2:20PM]
APPROVED 8-0
- #236-10 NEWTON POLICE DEPARTMENT requesting authorization to accept from Mr. Jay Hirshberg, 1428 Commonwealth Avenue a new Dell Computer Service TAG D944MMI as a gift of Tangible Property without restrictions pursuant to §2-10 of the City of Newton Ordinances.
APPROVED 8-0

#273-10 NEWTON POLICE DEPARTMENT requesting authorization to accept as a gift of Tangible Property without restrictions pursuant to §2-10 of the City of Newton Ordinances a 1995 Fleetwood Binder, Model 35U to be used as a mobile incident command center donated by Mr. Warren David Dues a retired Newton Police Officer and accept and expend gifts and donations for the renovations and improvements to the new police incident command vehicle. 09-23-10 @4:21 PM]

APPROVED 8-0

REFERRED TO PUBLIC SAF. & TRANS. AND FINANCE COMMITTEES

#263-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of forty thousand dollars (\$40,000) from Parking Meter Receipts Reserve Fund to be used as the City's required 20% match to leverage the \$160,000 awarded by the Boston Region Metropolitan Planning Organization for the City's Traffic Signal Retiming Project. [09/13/10 @ 3:03 PM]

A) PS&T APPROVED \$40,000 APPROPRIATION 4-0 (Johnson, Freedman, Shapiro and Swiston not voting) on 10/6/10

B) PS&T APPROVED AMENDMENT 4-0 TO AUTHORIZE EXPENDITURE OF \$160,000 (Johnson, Freedman, Shapiro, and Swiston not voting) on 10/6/10

(A) APPROVED \$40,000 APPROPRIATION 8-0

(B) APPROVED 8-0 AMENDMENT TO AUTHORIZE EXPENDITURE OF \$160,000

#207-07(5) ALD. FREEDMAN AND JOHNSON proposing that the city's Financial Management Guidelines adopted under Board Order #207-07 be amended to require that any proposed capital expenditure above a certain amount have a cost-benefit or a return-on-investment analysis performed prior to approval by the Board of Aldermen. [12/21/09 @5:55 PM]

HELD 8-0

REFERRED TO POST AUDIT & OVERSIGHT COMMITTEE

Tuesday, October 26, 2010

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

#377-09 ALD. JOHNSON requesting discussion with the Executive Secretary of the Elections Commission on the access to and quality of the Newton Voter Files. [10/26/09 @ 9:02 PM]

HELD 5-0 (Sangiolo not voting)

REFERRED TO POST AUDIT & OVERSIGHT COMMITTEE on 03/17/10

- #66-10 ALD. CICCONE requesting information as to why the Fire Department lost two-way radio communication recently and what is being done to prevent this in the future. [02/23/10 @ 2:54 PM]
PUBLIC SAFETY & TRANSPORTATION REFERRED AS AMENDED 6-0 (Ald. Freedman not voting) on 03/17/10
NO ACTION NECESSARY 5-0 (Sangiolo not voting)

- #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]
NO ACTION NECESSARY 5-0 (Sangiolo not voting)

REFERRED TO COMMITTEE ON COMMUNITY PRESERVATION

Tuesday, October 26, 2010

Present: Ald. Albright (Chairman), Blazar, Fuller, Hess-Mahan, Yates

Absent: Ald. Ciccone, Lappin, Harney

REFERRED TO CMTE. ON COMM. PRESERV. AND FINANCE COMMITTEE

- #274-10 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of forty-six thousand six hundred forty dollars (\$46,640) be appropriated from the fiscal 2011 historic resources reserve of the Community Preservation Fund and expended under the direction and control of the City Clerk, to survey all archival collections held by the City of Newton and set broad priorities for their preservation, as detailed in the Community Preservation Committee's funding recommendation to the Board of Aldermen. [09-24-10 @ 12:18 PM]
APPROVED 5-0
FINANCE TO MEET

REFERRED TO CMTE. ON COMM. PRESERV. AND FINANCE COMMITTEE

- #299-10 COMMUNITY PRESERVATION COMMITTEE requesting that budgeted FY11 revenue from state matching funds to the Community Preservation Fund be revised from \$681,605 to \$618,181, to reflect the final amount confirmed by the Massachusetts Dept. of Revenue to the Newton Comptroller on October 8, 2010. [10/12/2010 @ 1:42pm]
APPROVED AS AMENDED @\$616,589 5-0
FINANCE TO MEET