

CITY OF NEWTON
IN BOARD OF ALDERMEN
BOARD ACTIONS

Monday, January 20, 2009

Present: Ald. Albright, Brandel, Ciccone, Coletti, Danberg, Freedman, Fischman, Gentile, Harney, Hess-Mahan, Johnson, Lappin, Lennon, Mansfield, Merrill, Parker, Salvucci, Sangiolo, Schnipper, Swiston, Vance, Yates and Baker.

Absent: Ald. Linsky

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

- #321-08 **METROPCS MASSACHUSETTS LLC/NEWTON HIGHLANDS CONGREGATIONAL CHURCH** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to install for wireless communication 2 panel antennae flanking the louvers on the northeast side of the bell tower; 2 panel antennae flanking the louvers on the southeast side of the bell tower; 2 panel antennae flanking the southwest side of the bell tower; 1 GPS antenna mounted on the roof inside the bell tower parapet; and ancillary and radio equipment to be located within the bell tower at 54 LINCOLN STREET, Ward 6, on land known as Sec 52, Blk 41, Lot 3, in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-18A(e)(6) and (3) of the City of Newton Rev Zoning Ord, 2007 and special permit nos. 459-97(2) and 398-99(2).**(2-6-09)**
LAND USE APPROVED 4-1-2 (Mansfield opposed; Brandel and Merrill abstaining) on 12-16-08
ITEM POSTPONED on 1-5-09 to DATE CERTAIN of 1-20-09:
Motion to Substitute New Board Order Approved by Voice Vote
APPROVED 21 YEAS, 3 ABSENT (Ald. Gentile, Harney, Linsky)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #487-08 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend one hundred thousand dollars (\$100,000) from the Environmental Solid Waste Fund for the purpose of contracting rock-crushing services at Rumford Avenue.
FINANCE APPROVED 6-1 (Johnson opposed) on 12-22-08
PUBLIC FACILITIES APPROVED 5-0-2 (Gentile and Lennon abstaining) on 12-17-08
ITEM POSTPONED on 1-5-09 to DATE CERTAIN of 1-20-09

MOTION TO SUBSTITUTE MAYOR'S REVISED FUNDING SOURCE OF FREE CASH APPROVED BY VOICE VOTE

APPROVED 20 YEAS, 4 ABSENT (Ald. Gentile, Linsky, Sangiolo, Swiston)

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#397-08 **HIS HONOR THE MAYOR** requesting to appropriate and expend One-hundred fifty three thousand three hundred dollars (\$153,000) from Free Cash to the Purchasing Department to purchase 3 hybrids and 7 economy vehicles for the Assessing and Inspectional Services Departments.
ZONING & PLANNING APPROVED 5-0-2 (Ciccone and Harney abstaining) on 11-24-08
(Finance Approved 4-3-1 (Coletti, Johnson and Gentile opposed; Parker abstaining) subject to 2nd call on 11-24-08)
Item recommitted to Finance Committee on 12-1-08;
FINANCE APPROVED 4-1-2 (Johnson opposed; Parker and Freedman abstaining on 12-22-08)

ITEM POSTPONED on 1-5-09 to DATE CERTAIN of 1-20-09

Item Divided by Alderman Parker into (A) \$83,000 and (B) \$70,000 for Hybrid Cars.

Motion to Postpone (B) to February 2, 2009 Approved by Voice Vote
(A) \$83,000 APPROVED 16 YEAS, 6 NAYS (Ald. Brandel, Ciccone, Harney, Johnson, Sangiolo, and Swiston), 2 ABSENT (Ald. Gentile and Linsky)

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

#80-08 **ALD. SALVUCCI & DANBERG** requesting creation of a parking permit program for employees of Newton businesses to allow long-term parking in municipal parking lots. [1-23-08 @ 1:15 PM]
FINANCE APPROVED 4-1-1 (Ald. Freedman opposed, Lennon abstaining) on 12-8-08 and approved a motion to recommit to Public Safety & Transportation Committee
APPROVED AS AMENDED 4-0

ITEM RECOMMITTED TO PS&T on 12-15-08

Motion to suspend the rules to allow vice Chair of Public Safety to poll her committee Approved by Voice Vote
Public Safety amended draft ordinance by changing start date to June 1st and by deleting the Cypress Street Lot from the program
Approved by Committee 6-0

APPROVED WITH AMENDMENTS 21 YEAS, 1 NAY (ald. Freedman), 2 ABSENT (Ald. Gentile and Linsky)

#246-08 ALD. COLETTI proposing a RESOLUTION to His Honor the Mayor and the School Committee to prohibit immediately the use of any city-owned vehicle for commuting purposes in excess of ten miles from the physical boundaries of Newton and to limit use of city-owned vehicles to circumstances where an emergency response is likely during non-business house and in which the necessary equipment is carried for such emergency response. [7-2-08 @ 12:12 PM]

FINANCE APPROVED 5-0-2 (Parker and Johnson abstaining; Freedman not voting)

Motion to Suspend the Rules to allow Finance Chair to poll his Committee Approved by Voice Vote

Motion in Finance Committee to amend vote to NAN Approved 6-0

NO ACTION NECESSARY APPROVED BY VOICE VOTE

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#397-07 ALD. JOHNSON AND COLETTI requesting to increase the fee for dogs being off-leash except where dogs are legally able to be off-leash. [12-04-07 @ 12:22 AM]

FINANCE APPROVED 8-0 on 1-12-09

PROGRAMS & SERVICES APPROVED 5-0-1 (Hess-Mahan abstaining, Sangiolo not voting)

Motion to Recommit to Programs & Services Committee Denied by Voice Vote

Motion to Postpone to February 17, 2009 Denied by Voice Vote

APPROVED 16 YEAS, 7 NAYS (Ald. Albright, Danberg, Fischman, Hess-Mahan, Salvucci, Schnipper, Swiston), 1 ABSENT (Ald. Linsky)

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

REFERRED TO LAND USE COMMITTEE

Tuesday, January 6, 2009

#211-07(2) REQUEST for a ONE-YEAR EXTENSION OF TIME in which to EXERCISE special permit #211-07 granted on October 15, 2007 to CEC OAK REALTY, LLC for various parking waivers including dimensionals and setbacks, perimeter and interior screening; lighting and loading bay and for permission to use the entire basement for purposes other than storage, amending Board Orders #504-84 and #7-89, in connection with renovations to an existing parking facility in an existing building at 109 OAK STREET, Ward 5, NEWTON UPPER FALLS; said extension will

run from October 15, 2008 to October 15, 2009. Ref: Sec 30-24(c)(4) of the City of the City of Newton Rev Zoning Ord, 2007.

LAND USE APPROVED 3-0-1 (Brandel abstaining; Hess-Mahan, Sangiolo not voting)

- #377-08 **BABAK VEYSSI** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing single-family dwelling and to construct four single-family attached dwellings in two structures including waivers from the side and rear setbacks; from locating a driveway within 10 feet of a side/rear lot line; to alter the contours of the land by more than 3 feet; and to AMEND Condition #2 of Special Permit #485-83 in order to allow an easement over an existing driveway for The Farm at Chestnut Hill, at 107 FLORENCE STREET, Ward 8, Chestnut Hill, on land known as Sec 82, Blk 4, Lot 78, containing approximately 31,483 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15 (Table 1), 30-19(m), 30-9(b)(5)(a) and (b), 30-5(b)(4), of the City of Newton Rev Zoning Ord, 2007.
LAND USE APPROVED 5-0-1 (Sangiolo abstaining)

Class 1

- #403-08 CLARK & WHITE INC.
777 WASHINGTON STREET
NEWTONVILLE
LAND USE APPROVED 5-0 (Albright not voting)
- #404-08 CLAY NISSAN OF NEWTON INC
431 WASHINGTON STREET
NEWTON CORNER
LAND USE APPROVED 5-0 (Albright not voting)
- #405-08 FROST MOTORS INC.
399 WASHINGTON ST
NEWTON CORNER
LAND USE APPROVED 5-0 (Albright not voting)
- #406-08 FROST MOTORS INC.
d/b/a FROST PREOWNED
624 WASHINGTON ST.
WEST NEWTON
LAND USE APPROVED 5-0 (Albright not voting)
- #407-08 VILLAGE MOTORS GROUP INC.
d/b/a HONDA VILLAGE
371 WASHINGTON STREET
NEWTON CORNER
LAND USE APPROVED 5-0 (Albright not voting)

Class 2

- #408-08 MAP DEVELOPMENT & INVESTMENTS
d/b/a ALBEMARLE MOTORS INC.
175 NORTH STREET
NEWTONVILLE
LAND USE APPROVED 5-0 (Albright not voting)
- #410-08 AUTO EUROPA INC.
38 RAMSDELL STREET
NEWTON HIGHLANDS
LAND USE APPROVED 5-0 (Albright not voting)
- #414-08 TRAVIS CORPORATION
d/b/a THE CAR STORE
19 ROLLING LANE
CHESTNUT HILL
LAND USE APPROVED 5-0 (Albright not voting)
- #415-08 NEW ENGLAND MOTOR MART INC
1221-1229 WASHINGTON STREET
WEST NEWTON
LAND USE APPROVED 5-0 (Albright not voting)
- #416-08 NEWTON TRADE CENTER
103 ADAMS STREET
NONANTUM
LAND USE APPROVED 5-0 (Albright not voting)
- #417-08 OLD TIME GARAGE LTD.
1960 WASHINGTON STREET
NEWTON LOWER FALLS 02162
LAND USE APPROVED 5-0 (Albright not voting)
- #418-08 BOSTON AUTO BROKERS, LLC
50R TOWER ROAD
NEWTON UPPER FALLS
LAND USE APPROVED 5-0 (Albright not voting)
- #419-08 RADOSLAV STAMBOLIEV AUTO SALES
304 WATERTOWN STREET
NONANTUM
LAND USE APPROVED 5-0 (Albright not voting)

#420-08 R.S. SERVICE INC.
361 WASHINGTON STREET
NEWTON CORNER
LAND USE APPROVED 5-0 (Albright not voting)

#421-08 ROBERT'S TOWING INC.
926R BOYLSTON STREET
NEWTON HIGHLANDS
LAND USE APPROVED 5-0 (Albright not voting)

#423-08 CITY OF NEWTON
1000 COMMONWEAL TH AVENUE
LAND USE APPROVED 5-0 (Albright not voting)

CLASS 3

#424-08 ECHO BRIDGE SALVAGE INC
16-24 MAGUIRE COURT
NEWTONVILLE
LAND USE APPROVED 5-0 (Albright not voting)

#425-08 SCHIAVONE BROTHERS INC.
16-24 MAGUIRE COURT
NEWTONVILLE
LAND USE APPROVED 5-0 (Albright not voting)

REFERRED TO LAND USE COMMITTEE

Tuesday, January 13, 2009

Application for a Class 2 Auto Dealer License

#471-08 KARIM MANSOUR,
1365 Centre Street, Newton Centre 02459
**LAND USE APPROVED SUBJECT TO 2nd CALL 4-0-1 (Brandel
abstaining; Sangiolo not voting)**
(Second Call Requirement was removed by Chair as information
requested was received)

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, January 12, 2009

Re-appointment by His Honor the Mayor

#473-08 MARI WILSON, 30 Foster Street, Newtonville, re-appointed as an
alternate member of the NEWTONVILLE HISTORIC DISTRICT
COMMISSION for a term to expire January 1, 2012 (60 days 2/13/09).
**ZONING & PLANNING APPROVED 5-0 (Swiston, and Harney not
voting)**

#109-07 ZONING TASK FORCE recommending amendments to Section 30-5(b)(4), referred to as the three-foot grade change ordinance, by deleting the existing language and: (1) add a provision defining structure in Section 30-1 to include retaining walls that exceed five (5) feet in height; (2) substitute language in Section 30-5(b)(4) to allow the Zoning Board of Appeals to grant a special permit for the construction of retaining walls that exceed five (5) feet in height; and (3) create an ordinance to require the Engineering Department to review and approve a drainage plan for construction or alteration of single and two-family residences that would increase impervious surface by the lesser of 5% or 500 square feet and for all other types of construction or alteration. **(Hearing closed 9-8-08; 12-7-08)**

ZONING& PLANNING NO ACTION NECESSARY 7-0

#137-05(2) ZONING & PLANNING COMMITTEE proposing that Footnote 7 of Section 30-15 be deleted and replaced with the following language: "FAR requirements shall apply only to one or two family residential structures and only in the following instances:
(1) to all above-grade new construction of a one or two family residential structure, including reconstruction or replacement of an existing one or two family residential structure or other structure being converted to a one or two family residential structure; or
(2) to alteration or enlargement of an existing one or two family residential structure, or other structure being converted to a one or two family residential structure, that adds gross floor area which lies in whole or in part outside the walls, i.e., the existing footprint, of such structure; or
(3) in a multi-residential zoning district, to construction of any residential dwelling unit which lies in whole or in part outside the walls, i.e., the existing footprint, of any existing residential dwelling unit, regardless of whether such construction does or does not increase the number of dwelling units on the lot."

ZONING& PLANNING NO ACTION NECESSARY 7-0

#127-07 ALD. BURG, HESS-MAHAN requesting to amend Section 22-38 of the Revised Ordinances by adding a provision to create term limits for members of the Newton Historical Commission. [5-1-07 @2:23 PM]

ZONING& PLANNING NO ACTION NECESSARY 7-0

REFERRED TO PROGAMS & SERVICES COMMITTEE

Wednesday, January 7, 2009

#476-08 ALD. BAKER re-appointing Greer Tan Swiston as Aldermanic Commission member to the NEWTON CHILD CARE COMMISSION

for a term to end January 1, 2011. (60 days: 2-13-09) [12-09-08 @ 7:26 PM]

PROGRAMS & SERVICES APPROVED 5-0 (Brandel, Parker not voting)

#477-08 ALD. BAKER re-appointing Katey Grossman as Childcare Provider Member to the NEWTON CHILD CARE COMMISSION for a term to end January 1, 2011. (60 days: 2-13-09) [12-09-08 @ 7:26 PM]

PROGRAMS & SERVICES APPROVED 5-0 (Brandel, Parker not voting)

#478-08 ALD. BAKER re-appointing Melissa Hanenberger as Parent Representative Member to the NEWTON CHILD CARE COMMISSION for a term to end January 1, 2011. (60 days: 2-13-09) [12-09-08 @ 7:26 PM]

PROGRAMS & SERVICES APPROVED 5-0 (Brandel, Parker not voting)

#479-08 ALD. BAKER appointing Emily Shumsky as the At-Large Member to the NEWTON CHILD CARE COMMISSION for a term to end January 1, 2011. (60 days: 2-13-09) [12-09-08 @ 7:26 PM]

PROGRAMS & SERVICES NO ACTION NECESSARY 5-0 (Brandel, Parker not voting)

REFERRED TO PUBLIC FACILITIES AND PROGRAMS & SERVICES

#7-09 ALD. HESS-MAHAN LINSKY, ALBRIGHT, FREEDMAN, MANSFIELD, JOHNSON, HARNEY & VANCE proposing a Resolution to His Honor the Mayor to ensure that the installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible. [12-30-08 @9:55 AM]

PUBLIC FACILITIES APPROVED 4-0-2 (Schnipper, Gentile abstaining, Lennon not voting) on 1-7-09

PROGRAMS & SERVICES APPROVED 7-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, January 7, 2009

#482-08 NSTAR ELECTRIC COMPANY petitioning for a grant of location to install 15' ± of conduit in ELLIOT STREET from Manhole 21032 southerly to a private drive and to install 50' ± of conduit in WINCHESTER STREET from Needham Street in a northerly direction to Manhole 3436 in Winchester Street.

PUBLIC FACILITIES APPROVED 5-0-1 (Yates abstaining, Lennon not voting)

- #481-08 NSTAR ELECTRIC COMPANY petitioning for a grant of location to install 54'± of conduit in WASHINGTON STREET from Perkins Street northerly to an existing manhole in Washington Street and to install 684'± of conduit with two new manholes in PERKINS STREET from Washington Street southeasterly to 45 Perkins Street.

PUBLIC FACILITIES APPROVED 6-0 (Lennon not voting)

REFERRED TO PUBLIC FACILITIES AND PROGRAMS & SERVICES

- #7-09 ALD. HESS-MAHAN LINSKY, ALBRIGHT, FREEDMAN, MANSFIELD, JOHNSON, HARNEY & VANCE proposing a Resolution to His Honor the Mayor to ensure that the installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible. [12-30-08 @9:55 AM]

PROGRAMS & SERVICES APPROVED 7-0 on 01-07-09

PUBLIC FACILITIES APPROVED 4-0-2 (Schnipper, Gentile abstaining, Lennon not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #11-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend three hundred ninety-four thousand dollars (\$394,000) from bonded indebtedness for the design work for the rehabilitation of Fire Station #7. [12-24-08 @ 1:55 PM]

FINANCE APPROVED AS AMENDED @\$344,000 (Salvucci opposed) on 01-12-09

PUBLIC FACILITIES APPROVED 5-1 (Salvucci opposed, Lennon not voting)

Motion to suspend rule to allow chair of Public Facilities to Poll her Committee Voice Vote Approved.

Motion in Committee to amend amount to \$344,000 APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #12-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred twenty five thousand dollars (\$225,000) from bonded indebtedness to the Building Department for the purpose of replacing a boiler at City Hall. [12-24-08 @ 1:54 PM]

FINANCE APPROVED 6-0 (Parker, Johnson not voting) on 01-12-09

PUBLIC FACILITIES APPROVED 6-0 (Lennon not voting)

- #6-09 HIS HONOR THE MAYOR requesting authorization to acquire and accept a permanent easement from the Commonwealth of Massachusetts to maintain a sewer line and operate and maintain a pumping station on Commonwealth owned land at Hemlock Gorge on Elliot Street to finalize the acquisition that was begun with Board Order #672-86(2).

PUBLIC FACILITIES APPROVED 5-0 (Gentile and Lennon not voting)

REFERRED TO FINANCE COMMITTEE

Monday, January 12, 2009

- #9-09 **HIS HONOR THE MAYOR** appointing JAMES REARDON as TREASURER/COLLECTOR of the City of Newton, effective immediately, pursuant to Sections 3-3(b) of the City Charter. [12-30-08 @ 5:05 PM]
FINANCE APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #12-09 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend two hundred twenty five thousand dollars (\$225,000) from bonded indebtedness to the Building Department for the purpose of replacing a boiler at City Hall. [12-24-08 @ 1:54 PM]
PUBLIC FACILITIES APPROVED 6-0 (Lennon not voting) on 01-07-09
FINANCE APPROVED 6-0 (Parker and Johnson not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #11-09 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend three hundred ninety-four thousand dollars (\$394,000) from bonded indebtedness for the design work for the rehabilitation of Fire Station #7. [12-24-08 @ 1:55 PM]
PUBLIC FACILITIES APPROVED 5-1 (Salvucci opposed, Lennon not voting) on 01-07-09
FINANCE APPROVED AS AMENDED @\$344,000 7-1 (Salvucci opposed)

- #10-09 **HIS HONOR THE MAYOR** requesting that the sum of one hundred twelve thousand three hundred fifty nine dollars fifty-nine cents (\$112,359.59) be transferred from the Human Resources Department severance funds account to various departments for severance costs that are the result of the layoffs at the end of FY08. [12-30-08 @ 5:04 PM]
FINANCE APPROVED 7-0 (Coletti not voting)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 0 NAYS, 2 ABSENT (Ald. Gentile & Linsky), 1 EXCUSED (Ald. Schnipper) TO ACCEPT ITS COMMITTEE'S RECOMMENDATIONS ON:

- #376-08(2) **AGREEMENT TO EXTENSION OF TIME** in which to ACT on petition #376-08 for a rear lot subdivision in order to construct a new single-family home to the rear of an existing single-family home, including a waiver of the 20-foot driveway requirement and a technical waiver from providing parking on-site, at 296 WARD STREET, Ward 7, Chestnut Hill; said EXTENSION will run from February 16 to March 20, 2009.,
LAND USE APPROVED 5-0 (Sangiolo not voting)