

REPORTS DOCKET

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Monday, February 2, 2009
Newton City Hall
To be reported on
Tuesday, February 17, 2009

CITY OF NEWTON

IN BOARD OF ALDERMEN

REFERRED TO LAND USE COMMITTEE

Tuesday, February 3, 2009

Present: Ald. Mansfield (Chairman), Ald. Albright, Fischman, Merrill, Vance, Brandel, Hess-Mahan, and Sangiolo; also present: Ald. Baker, Salvucci, and Gentile

Applications for Class 2 Auto Dealer Licenses

#1-09 JACOB and ASSOCIATES
1232 Washington Street
West Newton
APPROVED 7-0 (Sangiolo not voting)

#409-08 NEWTON AUTO GROUP INC
1235 WASHINGTON STREET
WEST NEWTON
APPROVED 7-0 (Sangiolo not voting)

#413-08 LOS ANGELES AUTOBODY, INC.
41 LOS ANGELES STREET
NONANTUM
APPROVED 7-0 (Sangiolo not voting)

#376-08 JAN SPIRO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL 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, on land known as Sec 73, Blk 42, Lot 10, which contains an approximate total of 39,382 sf of land , proposed Lot 1 containing approximately 21,321 sf and proposed lot 2 containing approximately 18,061 sf, in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15(r)(2), 30-19(f)(1) and (2), 30-19(h)(4), and 30-19(m) of the City of Newton Rev Zoning Ord, 2007 and 30-17 (certification from ISD and/or Engineering re the garage being located below the grade of the sidewalk).
APPROVED 7-0-1 (Sangiolo abstaining)

#385-08

CCMH NEWTON LLC/CHESAPEAKE HOTEL LIMITED PARTNERSHIP petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to convert a approximately 5,000 sf of storage area to meeting rooms/ballroom; convert an outdoor swimming pool and Jacuzzi to a function deck with a seasonal tent; to waive 53 parking spaces and allow stack parking for up to 53 additional spaces with valet parking; to waive various parking facility requirements including interior lighting and landscaping requirements; and to delete and replace condition #3 of special permit #595-67 to allow with provisions changes to the interior building layout without further special permit amendment at 2345 COMMONWEALTH AVENUE, Ward 4, AUBURNDALE, on land known as Sec 41, Blk 23, Lot 18, containing approx 503,158 sf of land in districts zoned BUSINESS 5 and SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-11(i)(5), 30-(5)(b)(4), 30-19(2)(c), 30-19(h)(5)a) and b), 30-19(d), 30-19(k), 30-19(m) of the City of Newton Rev Zoning Ord, 2007, and special permit nos. 537-63 and (1), 680-66, 595-67, 590-84, 491-86, 375-93.

APPROVED 7-0 (Fischman recused)

REFERRED TO LAND USE COMMITTEE

Tuesday, February 10, 2009

Present: Ald. Mansfield (Chairman), Ald. Vance, Merrill, Albright, Fischman, Hess-Mahan, and Sangiolo; absent: Ald. Brandel; also present: Ald. Linsky

#15-09

BERNARD R. O’KANE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to expand a NON-CONFORMING STRUCTURE to connect an existing detached garage to an existing single-family dwelling in order to create a bedroom and handicapped bathroom and to locate one additional parking space within the front setback at 185 HARVARD CIRCLE, Ward 2, NEWTONVILLE, on land known as Sec 22, Blk 22, Lot 2, containing approx 5,303 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 3-21(a)(2)b), 30-21(b), 30-19(g)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

A PUBLIC HEARING WAS OPENED AND CLOSED.

#384-08

DAVID CHODRIKER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to eliminate the use of a garage beneath an existing single family home and relocate parking for two vehicles on a new driveway within the front setback at 5 STAFFORD ROAD, Ward 6, NEWTON CENTRE, on land known as Sec 64, Blk 25, Lot 9, containing approx 7,911 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-19(g)(1), 30-19(m), and 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.

APPROVED 4-0-3 (Mansfield, Merrill, Sangiolo abstaining)

Application for a Class 2 Auto Dealer License (renewal)

#406-08 ROBERT LEONE

14 Beech Street

Newton 02458

APPROVED 7-0

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, February 9, 2009

Present: Ald. Yates (Chairman), Ald. Lappin, Baker, Swiston, Danberg, Harney, Ciccone, and Linsky

Reappointment by His Honor the Mayor

#32-09 JAMES H. MITCHELL, 83 Countryside Road, Newton Centre, re-appointed as an associate member of the ZONING BOARD OF APPEALS for a term of office to expire February 1, 2010 (60 days 4/3/09).

APPROVED 8-0

#379-08 CONSERVATION COMMISSION requesting an amendment to §22-20 of the City of Newton Revised Ordinances by adding a provision for the appointment of alternate or associate members to the Conservation Commission.

APPROVED 8-0

#22-09 DIRECTOR OF PLANNING & DEVELOPMENT recommending various amendments to Chapter 22 of the Revised Ordinances of Newton, 2007, ARTICLE IV, Urban Design and Beautification Commission, including changing the name to *Urban Design Commission*, deleting the Advisory board, and expanding its powers and duties to include special permits.

APPROVED AS AMENDED 8-0

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, February 4, 2009

Present: Ald. Johnson (Chairman), Freedman, Baker, Hess-Mahan, Merrill and Sangiolo; absent: Ald. Brandel and Parker; also present: Ald. Linsky

#82-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to allow the cities and towns to tax all telecommunications facilities in the City (which would yield at least \$1.6 million per year for Newton). [02-27-07 @ 10:21 PM]

HELD 6-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#83-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to adopt the proportion of Governors Municipal Partnership that would allow the City to reduce employee health insurance costs by joining the Group Insurance Commission. [02-27-07 @ 10:21 PM]
HELD 6-0

#52-07 ALD. PARKER, SANGIOLO, MANSFIELD, HARNEY, DANBERG, VANCE, LINSKY, HESS-MAHAN, BURG, ALBRIGHT & JOHNSON requesting an ordinance amendment to create a health care advisory committee whose function would be to recommend measures to control the rate of increase of health insurance costs, as recommended by the Newton Finance & Management Working Group in 2005 and the Blue Ribbon Commission on the Municipal Budget in 2007. [02-09-07 @ 12:36 PM]
HELD 6-0

REFERRED TO PROG. & SERV., PUB. FAC., AND LAND USE COMMITTEES

#329-08 ALD. JOHNSON, ALBRIGHT & LINSKY requesting amendment to §20-13, *Noise Ordinance*, of the City of Newton Ordinances to prohibit the City from exceeding the parameters of time and decibel restrictions unless it receives approval from the Land Use Committee of the Board of Aldermen. [09-02-08 @ 12:00 PM]
HELD 6-0

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Monday, February 9, 2009

Present: Ald. Linsky (Chair), Swiston, Harney, Fischman, Danberg, Ciccone and Coletti;
absent: Ald. Vance; also present Ald. Lennon, Salvucci, Gentile, Parker and Freedman

REFERRED TO PUB. SAFETY & TRANS. AND FINANCE COMMITTEES

#39-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend thirty one thousand one hundred dollars (\$31,100) from Budget Reserve to the Fire Department for the purpose of purchasing a new replacement vehicle for the utility pick-up truck with plow. [01/27/09 @ 6:05 PM]
FINANCE APPROVED 6-0
APPROVED 7-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, February 4, 2009

Present: Ald. Schnipper (Chairman), Lennon, Albright, Salvucci, Gentile and Mansfield;
absent: Ald. Yates and Lappin; also present: Ald. Johnson and Linsky

NOTE: The Committee approved an emergency preamble with the following item, which will require a separate two-thirds vote by the Board.

- #27-09 NATIONAL GRID petitioning for a grant of location to install and maintain 5' ± of 8" gas main in NORWOOD AVENUE from the existing 4" gas main in Norwood Avenue at 108 Norwood Avenue northerly to the existing 8" gas main in Norwood Avenue. [12/22/08 @ 2:00PM]
APPROVED 4-0 (Lennon, Mansfield not voting)

Appointment by His Honor the Mayor

- #34-09 BETH GOLDBAUM, 111 Blake Street, Newton 02458, appointed as a member of the SOLID WASTE COMMISSION for a term of office expiring January 1, 2012. (60-days 04/03/09) [01/21/09 @ 1:09 PM]
APPROVED 4-0 (Lennon, Mansfield not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #40-09 HIS HONOR THE MAYOR requesting authorization to transfer funds in the Water and Sewer Enterprise Funds. Transferring the funds from MWRA assessments to utilities as follows: Sewer Fund transfer \$53,000; Water Fund transfer \$38,000. [01/27/09 @ 6:05 PM]
FINANCE APPROVED 6-0 on 2-9-09
APPROVED 5-0 (Lennon not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #41-09 HIS HONOR THE MAYOR requesting to appropriate and expend one million dollars (\$1,000,000) from Free Cash for the purpose supplementing the snow and ice budget in the Department of Public Works. [01/27/09 @ 6:05 PM]
FINANCE APPROVED 6-0 on 2-9-09
APPROVED 5-0-1 (Lennon abstaining)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #42-09 HIS HONOR THE MAYOR requesting 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 Angier School. [01/27/09 @ 6:04 PM]
FINANCE APPROVED 6-0 on 2-9-09
APPROVED 6-0

- #224-06(2) ALD. LINSKY, ALBRIGHT & JOHNSON, BAKER & SCHNIFFER requesting further deliberation on the conditions set forth in the Site Plan Approval Board Order relating to the Newton North High School project, considering possible expansion and modification of the conditions.
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, February 9, 2009

Present: Ald. Coletti (Chair), Salvucci, Parker, Lennon, Freedman and Gentile; absent: Ald. Johnson and Schnipper; also present: Ald. Linsky, Swiston, Harney, Fischman, Danberg and Ciccone

THE FOLLOWING ITEM WAS TAKEN UP IN A JOINT MEETING OF THE PUBLIC SAFETY & TRANSPORTATION AND FINANCE COMMITTEES:

REFERRED TO PUB. SAFETY & TRANS. AND FINANCE COMMITTEES

#39-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend thirty one thousand one hundred dollars (\$31,100) from Budget Reserve to the Fire Department for the purpose of purchasing a new replacement vehicle for the utility pick-up truck with plow. [01/27/09 @ 6:05 PM]

PUBLIC SAFETY & TRANSPORTATION APPROVED 7-0
APPROVED 6-0

#37-09 HIS HONOR THE MAYOR requesting authorization to transfer twenty five thousand dollars (\$25,000) from payroll to expenses within the Treasury Department for the purpose of paying the MUNIS consultant who provided training on policies and procedures in the Treasury Department. [01/27/09 @ 6:05 PM]

APPROVED 6-0

#354-08 ALD. COLETTI requesting monthly report on cash and receivable reconciliations by Treasurer and status of Consultant work in Treasurer's Office. [09-30-08 @ 1:54 PM]

HELD 6-0

#35-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend thirteen thousand eight hundred sixty dollars (\$13,860) from Budget Reserve to the Information Technology Department for the purpose of purchasing software that will enable downloading of data from MUNIS into Microsoft applications. [01/27/09 @ 6:06 PM]

APPROVED 6-0

- #36-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend eighteen thousand eight hundred fifty dollars (\$18,850) from Budget Reserve to the Information Technology Department for the purpose of upgrading the Sungard Pentamation Community Plus Software. [01/27/09 @ 6:06 PM]
APPROVED 6-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #42-09 HIS HONOR THE MAYOR requesting 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 Angier School. [01/27/09 @ 6:04 PM]
PUBLIC FACILITIES APPROVED 6-0 on 02-04-09
APPROVED 6-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #41-09 HIS HONOR THE MAYOR requesting to appropriate and expend one million dollars (\$1,000,000) from Free Cash for the purpose supplementing the snow and ice budget in the Department of Public Works. [01/27/09 @ 6:05 PM]
PUBLIC FACILITIES APPROVED 5-0-1 (Lennon abstaining) on 02-04-09
APPROVED 6-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #40-09 HIS HONOR THE MAYOR requesting authorization to transfer funds in the Water and Sewer Enterprise Funds. Transferring the funds from MWRA assessments to utilities as follows: Sewer Fund transfer \$53,000; Water Fund transfer \$38,000. [01/27/09 @ 6:05 PM]
PUBLIC FACILITIES APPROVED 5-0 (Lennon not voting) on 02-04-09
APPROVED 6-0

- #38-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred seventy six thousand seven hundred twenty five dollars (\$276,725) from Budget Reserve to various departments to supplement gasoline, diesel and heating oil accounts. [01/27/09 @ 6:05 PM]
APPROVED 6-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #13-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend three hundred eighty-five thousand dollars (\$385,000) from bonded indebtedness to the Public Works Department for the purpose of replacing both the salt shed and the Quonset hut at Crafts Street. [12-30-08 @ 5:04 PM]
PUBLIC FACILITIES APPROVED 4-0-2 (Ald. Gentile and Mansfield abstaining) on 01-07-09
APPROVED 2-1-3 (Ald. Gentile opposed; Ald. Parker, Lennon and Freedman abstaining)
- #353-08 ALD. COLETTI requesting monthly report by Executive Office before Post Audit and Oversight Committee on snow and salt expenditure from November 2008 through April 2009. [09-30-08 @ 1:54 PM]
HELD 6-0
- #349-08 ALD. COLETTI requesting discussion on preparation and submission of a new Capital Improvement Plan by the Executive Office. [09-30-08 @ 1:54 PM]
HELD 6-0
- #207-07(2) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended, effective FY10, as follows:
 (A) total resources devoted to all forms of employee compensation shall not exceed the estimated growth in total general fund revenue for the following fiscal year;
 (B) funds for salary and wage adjustments shall not exceed the difference between total estimated revenue growth and resources needed to fund growth in health/dental and life insurance benefits and growth in the actuarial required contribution for the city's retirement system for each fiscal year;
 (C) if collective bargaining contracts are not resolved at the time of budget submission, funds budgeted for such contracts shall be held in "municipal and compensation" reserve. [7-2-08 @ 12:12 PM]
HELD 6-0