

REPORTS DOCKET

March 17: Land Use
March 18: Programs&Services; Public Facilities
March 23: Finance; Zoning & Planning
March 24: Real Property Reuse; Committee on Community
Preservation

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Monday, March 16, 2009
Newton City Hall
To be reported on
Monday, April 6, 2009

CITY OF NEWTON

IN BOARD OF ALDERMEN

REFERRED TO LAND USE COMMITTEE

Tuesday, March 17, 2009

Present: Ald. Mansfield (Chairman), Ald. Hess-Mahan, Fischman, Albright, Brandel, Vance, Merrill, and Sangiolo

#43-09 NSTAR ELECTRIC CO. petition to alter the grade in excess of three feet on a portion of the lot in order to construct a retaining wall at 48 ELLIOT STREET, Ward 5, NEWTON UPPER FALLS, on land known as Sec 51, Blk 29, Lot 38 containing approx 158,000 sf of land in a district zoned MANUFACTURING. Ref: Sec 30-24 30-23, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.

APPROVED 8-0

Renewal Applications for 2009 Class 2 Auto Dealer Licenses

#411-08 VELOCITY MOTORS INC.
14 HAWTHORN ST
NONANTUM

APPROVED 8-0

#412-08 ENZO's AUTO SALES
10 HAWTHORN STREET
NONANTUM

APPROVED 8-0

New Application for a 2009 Class 2 Auto Dealer License

#74-09 WASHINGTON STREET SUNOCO, INC.
875 Washington Street
Newtonville

APPROVED 8-0

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

#329-08(2) ALD. JOHNSON, ALBRIGHT AND LINSKY requesting that His Honor the Mayor implement policies and procedures that engage the Ward Alderman, as appropriate, in the determination of exemptions from the noise ordinance. [02/25/09 @ 11:24 AM]

PROGRAMS & SERVICES APPROVED 7-0 (Parker not voting) on 3/4/09

PUBLIC FACILITIES APPROVED 6-0 on 3/18/09

APPROVED 7-0 (Sangiolo not voting)

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]

PROGRAMS & SERVICES NO ACTION NECESSARY 7-0 (Parker not voting) on 3/4/09

PUBLIC FACILITIES NO ACTION NECESSARY 6-0 on 3/18/09

NO ACTION NECESSARY 7-0 (Sangiolo not voting)

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, March 23, 2009

Present: Ald. Yates (Chairman), Ald. Lappin, Baker, Ciccone, Linsky, and Swiston;
absent: Ald. Danberg and Harney; also present: Ald. Albright and Merrill

A Public Hearing was opened on the following item:

#46-09 DIRECTOR OF PLANNING & DEVELOPMENT recommending that Chapter 30 of the Revised Ordinances of Newton, Massachusetts, 2007, be amended by allowing the board of aldermen to grant a special permit for a Planned Multi-Use Business Development (PMBD) in any Mixed Use 1 District; by adding to Section 30-1, Definitions, a definition for Overlay Zone; by modifying certain minimum criteria and additional special permit criteria for a PMBD in Section 30-15(s), Planned Multi-Use Business Development; by modifying certain density and dimensional requirements for a PMBD in Table A of Section 30-15(s); by renumbering, in Section 30-11(d), subparagraph (12) as (13) and adding a new subparagraph (12); by renumbering, in Section 30-13(b), subparagraph (16) as (17) and adding a new subparagraph (16); by adding to Section 30-13, Mixed Use Districts, a new subsection 30-13(h), special permits for PMBD; and by adding to Section 30-19(l), Off-Street Loading Requirements, a new subsection 30-19(l)(4) and the table of off-street loading requirements new provisions for buildings containing a mix of commercial and residential uses in a PMBD and included as part of this amendment as Exhibit A.

HEARING CONTINUED to APRIL 13, 2009

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, March 18, 2009

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

Appointment by His Honor the Mayor

#77-09 **ROBERT L. KLIVANS**, 69 Pine Ridge Road, Waban, appointed as a Trustee of THE NEWTON FREE LIBRARY for a term to expire on June 30, 2012. (60 days: 05/15/09) [02/27/09 @ 1:56 PM]

APPROVED 6-0 (Freedman not voting)

Appointment by His Honor the Mayor

#78-09 **LOUISE HAUSER**, 47 Windermere Road, Auburndale, appointed as a member of the NEWTON COUNCIL ON AGING for a term to expire on March 1, 2012. (60 days: 05/15/09) [02/27/09 @ 1:56 PM]

APPROVED 7-0

Re-Appointment by His Honor the Mayor

#79-09 **ANDREW DIBNER**, 51 Beaumont Avenue, Newtonville, re-appointed as a member of the NEWTON COUNCIL ON AGING for a term to expire on March 1, 2012. (60 days: 05/15/09) [02/27/09 @ 1:56 PM]

APPROVED 7-0

Re-Appointment by His Honor the Mayor

#80-09 **AUDREY COOPER**, 114 Berkeley Street, West Newton, re-appointed as a member of the NEWTON COUNCIL ON AGING for a term to expire on March 1, 2012. (60 days: 05/15/09) [02/27/09 @ 1:56 PM]

APPROVED 7-0

#64-09 **TOM SHEFF et al.** filing on February 17, 2009, a group petition pursuant to Section 10-2 of the City Charter for a public hearing to discuss appointing a group of volunteers to: analyze the functions of the Board of Aldermen; analyze the functions of employees at City Hall; and to lay the groundwork for any Charter Commission that is elected by the citizens of Newton in the near future. ***NB: Board action shall be taken not later than three months from the date the petition was filed with the City Clerk.***

[02/17/09 @ 12:09 pm]

HELD 7-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#86-09 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend one hundred two thousand one hundred twenty-one dollars (\$102,121) from Free Cash for the purpose of supplementing the snow and ice budget in the Parks and Recreation Department. [03/10/09 @ 4:58 PM]

FINANCE APPROVED 4-0 (Schnipper not voting) on 3/23/09

APPROVED 7-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #85-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend twenty-six thousand seven hundred fifty dollars (\$26,750) from Cable receipts for the purpose of purchasing equipment for the TV studio at Newton North High School. [03/10/09 @ 4:59 PM]
FINANCE APPROVED 5-0 on 3/23/09
APPROVED 6-0-1 (Brandel abstaining)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, March 18, 2009

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

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

- #67-09 RAFAEL REISZ, 142 Pine Grove Avenue petitioning for construction of a common sewer main through a proposed easement in PINE GROVE AVENUE from an existing sewer main in St Mary's Street at Pine Grove Avenue westerly 357' ± to a proposed sewer manhole in Pine Grove Avenue. (Ward 4) **PETITIONER TO PAY ENTIRE COST**
APPROVED 6-0
- #224-06(2) ALD. LINSKY, ALBRIGHT & JOHNSON, BAKER & SCHNIPPER 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

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #88-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend four hundred fifty thousand dollars (\$450,000) from Free Cash to the expense budget in the Department of Public Works and to transfer fifty thousand dollars (\$50,000) from Salaries to Expenses in the Department of Public Works for the purpose of additional cost related to snow and ice control. [03/10/09 @ 4:58 PM]
FINANCE APPROVED 5-0 on 3/23/09
APPROVED 6-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #89-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two million five hundred sixty thousand dollars (\$2,560,000) from Bonded Indebtedness to the Public Works Department for the purpose of purchasing trash and recycling carts. [03/09/09 @ 3:27 PM]
FINANCE APPROVED 3-0-2 (Freedman and Lennon abstaining) on 3/23/09
APPROVED 5-0-1 (Mansfield abstaining)

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]
PROG & SERV NO ACTION NECESSARY 7-0 (Parker not voting) on 03/04/09
LAND USE NO ACTION NECESSARY 7-0 (Sangiolo not voting) on 03/17/09
NO ACTION NECESSARY 6-0

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

- #329-08(2) ALD. JOHNSON, ALBRIGHT AND LINSKY requesting the His Honor the Mayor implements policies and procedures that engage the Ward Alderman, as appropriate, in the determination of exemptions from the noise ordinance. [02/25/09 @ 11:24 AM]
PROG & SERV APPROVED 7-0 (Parker not voting) on 03/04/09
LAND USE APPROVED 7-0 (Sangiolo not voting) on 03/17/09
APPROVED 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, March 23, 2009

Present: Ald. Coletti (Chair), Lennon, Freedman, Salvucci and Schnipper; absent: Ald. Parker, Johnson and Gentile

- #84-09 HIS HONOR THE MAYOR requesting acceptance of and authorization to expend a State Police Dispatch Grant in the amount of one hundred fifty three thousand three hundred ten dollars (\$153,310) to provide new and upgraded equipment for enhanced 911 service. [03/10/09 @ 4:58 PM]
APPROVED 4-0 (Schnipper not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #85-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend twenty-six thousand seven hundred fifty dollars (\$26,750) from Cable receipts for the purpose of purchasing equipment for the TV studio at Newton North High School. [03/10/09 @ 4:59 PM]
PROGRAM & SERVICES APPROVED 6-0-1 (Brandel abstaining) on 03/18/09
APPROVED 5-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#86-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred two thousand one hundred twenty-one dollars (\$102,121) from Free Cash for the purpose of supplementing the snow and ice budget in the Parks and Recreation Department. [03/10/09 @ 4:58 PM]
PROGRAM & SERVICES APPROVED 7-0 on 03/18/09
APPROVED 4-0 (Schnipper not voting)

#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 5-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#88-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend four hundred fifty thousand dollars (\$450,000) from Free Cash to the expense budget in the Department of Public Works and to transfer fifty thousand dollars (\$50,000) from Salaries to Expenses in the Department of Public Works for the purpose of additional cost related to snow and ice control. [03-10-09 @ 4:58 PM]
PUBLIC FACILITIES APPROVED 6-0 on 03-18-09
APPROVED 5-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#58-09 HIS HONOR THE MAYOR requesting authorization to enter into a contract for solid waste and recycling collection with Waste Management, Inc. for a term of five years. [02/10/09 @ 4:42 PM]
PUBLIC FACILITIES APPROVED 3-0-4 (Lappin, Mansfield, Gentile and Lennon abstaining) on 03-04-09
APPROVED 5-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#89-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two million five hundred sixty thousand dollars (\$2,560,000) from Bonded Indebtedness to the Public Works Department for the purpose of purchasing trash and recycling carts. [03-09-09 @ 3:27 PM]
PUBLIC FACILITIES APPROVED 5-0-1 (Mansfield abstaining) on 03/18/09
APPROVED 3-0-2 (Lennon and Freedman abstaining)

#348-08 ALD. COLETTI requesting discussion on the Executive Department submission of a new 5-year forecast for FY2010 budget preparation. [09-30-08 @ 1:54 PM]
HELD 5-0

- #351-08 ALD. COLETTI requesting discussion on the status of School Building Authority reimbursements to the City of \$46.6 million for the Newton North High School project. [09-30-08 @ 1:54 PM]
NO ACTION NECESSARY 5-0

REFERRED TO REAL PROPERTY REUSE COMMITTEE

Tuesday, March 24, 2009

Present: Ald. Merrill (Chairman), Ald. Johnson, Brandel, Baker, Fischman, and Gentile;
absent Ald. Danberg and Salvucci

A Public Hearing was held on the following items:

- #71-09 COMMISSIONERS OF HEALTH & HUMAN SERVICES and PUBLIC BUILDINGS submitting a declaration that a portion of land located on the northeast corner of the Health Department building at 1294 Centre Street, Newton Centre, is available for a subsurface lease and requesting that the Committee waive formation of a Joint Advisory Planning Group (JAPG) pursuant to §2-7(10).
PUBLIC HEARING CLOSED; WAIVER OF JAPG APPROVED 6-0

- #71-09(2) TERENCE P. MORRIS on behalf of HERRICK ROAD REALTY TRUST seeking that His Honor the Mayor be authorized to enter into an agreement for a subsurface easement beneath city-owned land occupied by the Health Department at 1294 Centre Street, Newton Centre.
APPROVED 6-0

REFERRED TO COMMITTEE ON COMMUNITY PRESERVATION

Tuesday, March 24, 2009

Present: Ald. Lappin (Chairman), Ciccone, Vance and Yates; absent: Ald. Hess-Mahan, Linsky, Parker and Sangiolo

REFERRED TO CMTE ON COMMUNITY PRES. AND FINANCE COMMITTEE

- #91-09 COMMUNITY PRESERVATION COMMITTEE recommending to appropriate and expend \$37,750, including \$750 for legal costs, from the FY09 Community Preservation Fund's historic resources and general reserves, to survey undocumented archaeological resources throughout the City including a ground-penetrating radar survey of the East Parish Burying Ground, and produce a report of the findings. [03/06/09 @ 2:20 PM]
FINANCE TO MEET
HELD 4-0

REFERRED TO CMTE ON COMM PRES., PUB. FACIL. & FIN. COMMITTEES

#90-09 COMMUNITY PRESERVATION COMMITTEE recommending to appropriate and expend \$138,244, including \$2,000 for legal costs, from the FY09 Community Preservation Fund's historic resources and general reserves, to preserve and rehabilitate the exterior of the Jackson Homestead. [03/06/09 @ 2:20 PM]
PUBLIC FACILITIES TO MEET
FINANCE TO MEET
APPROVED 4-0

#265-08(2) ALD. YATES, COLETTI AND GENTILE requesting that the Newton History Museum seek Community Preservation Act funding for the historic preservation of the Jackson Homestead. [10/20/08 @ 11:10 AM]
NO ACTION NECESSARY 4-0