

CITY OF NEWTON

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, May 18, 2009

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

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

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#70-09 HIS HONOR THE MAYOR submitting the FY10-14 Capital Improvement Program, totaling \$192,908,572, and the FY09 Supplemental Capital budget, which require Board of Aldermen approval to finance new capital projects over the next five years.

MOTION TO APPROVE CIP AS AMENDED BY ALDERMANIC BUDGET RESOLUTIONS #5, 6, & 9, AND PUBLIC FACILITIES REQUEST TO MOVE JACKSON HOMESTEAD PROJECTS TO FUTURE YEARS - 23 YEAS, 1 ABSENT (Ald. Albright)

MOTION TO ADOPT CIP AS AMENDED APPROVED – 24 YEAS

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#70-09(3) HIS HONOR THE MAYOR submitting in accordance with Section 5-1 of the City of Newton Charter the FY10 Budget totaling \$333,411,747, passage of which shall be concurrent with the FY10-FY14 Capital Improvement Program. Effective date of submission: 4/21/09; last day to pass budget: 6/5/09)

FY10 REVOLVING FUNDS, GRANTS, RESERVE FUNDS APPROVED BY FINANCE COMMITTEE 7-0-1 (Ald. Johnson)

FY10 BUDGET REPORTS APPROVED BY FINANCE COMMITTEE 6-0-2 (Ald. Johnson & Parker)

FY10 BUDGET APPROVED AS AMENDED FOR \$333,782,492 BY COMMITTEE OF THE WHOLE 18 YEAS, 6 ABSTENTIONS (Ald. Harney, Johnson, Mansfield, Parker, Sangiolo, Swiston)

FY10 BUDGET APPROVED AS AMENDED FOR \$333,782,492 - 24 YEAS

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#70-09(2) HIS HONOR THE MAYOR submitting recommended FY2010 Water and Sewer Rates for implementation.

COMMITTEE OF THE WHOLE APPROVED 21-0-2 (Mansfield & Parker abstaining) 1 absent (Johnson) on 5/4/09

Item postponed on May 4 to date certain of May 18, 2009

FY10 WATER/SEWER RATES AS REVISED ON MAY 6

APPROVED – 21 YEAS, 3 NAYS (Ald. Harney, Parker, Swiston)

Resolution 10 Resolution requesting the Mayor fund \$53,200 for senior transportation services including medical visits within 2 miles of the city, visits to houses of worship and visits to long term care facilities. Possible funding source - 2009 free cash and/or other sources.

COMMITTEE OF THE WHOLE APPROVED AS AMENDED BY VOICE VOTE

APPROVED BY VOICE VOTE AS A RESOLUTION TO THE MAYOR OUTSIDE OF THE BUDGET PROCESS AND POSTPONED TO JUNE 1, 2009

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 1 ABSENT (Ald. Albright) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

REFERRED TO ZONING & PLANNING COMMITTEE

Thursday, May 7, 2009

#97-09 HIS HONOR THE MAYOR requesting authorization to accept and expend an additional six hundred three thousand five hundred thirteen dollars (\$603,513) in FY09 Community Development Block Grant funds and a grant of nine hundred twenty three thousand nine dollars (\$923,339) from the U.S. Department of Housing and Urban Development to fund the Homelessness Prevention and Rapid Re-housing Program made available through the American Recovery and Reinvestment Act of 2009. [03/31/09 @ 6:11 PM]

FINANCE APPROVED 7-0 on April 13, 2009

ITEM REFERRED TO ZONING & PLANNING on 4/21/09

ZONING & PLANNING APPROVED 5-0

REFERRED ZONING & PLANNING COMMITTEE

Monday, May 11, 2009

#123-09 ALD. YATES requesting a report from His Honor the Mayor as to why the Massachusetts Bio-Technology Council has not listed Newton as a

bio-ready community despite the fact that we have had an ordinance intended to encourage such economic development in place for over a decade and what steps the city would need to take to become bio-ready. [4/30/09 @3:37 PM]

ZONING & PLANNING NO ACTION NECESSARY 6-0 (Danberg not voting)

#110-08 ALD. YATES asking the Economic Development Commission why the City of Newton has attracted fewer biotechnology companies than other suburbs despite the existence of an ordinance intended to encourage such development. [3-3-07 @11:01 PM]

ZONING & PLANNING NO ACTION NECESSARY 6-0 (Danberg not voting)

#46-09(2) ALDERMAN LINSKY proposing further amendments to the Home Business sections of Chapter 30 clarifying that the amount of square footage allowed for a home business may be located anywhere in the home though it is calculated from the square footage of the first floor and regulating the amount of automotive trips allowed to be generated according to the classification of the street or streets providing access to the property based on the Designation of Functional Road Classifications Policy, adopted by the Board of Aldermen April 6, 2006.

ZONING & PLANNING NO ACTION NECESSARY 5-0 (Baker, Danberg not voting)

REFERRED TO FINANCE COMMITTEE

Monday, May 11, 2009

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

#90-09 COMMUNITY PRESERVATION COMMITTEE requesting 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]

COMMUNITY PRESERVATION APPROVED 4-0 on 03-24-09

PUBLIC FACILITIES APPROVED 7-0 on 04-22-09

FINANCE APPROVED 5-0-1 (Lennon abstaining; Freedman not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#118-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from parking meter receipts the sum of forty thousand dollars (\$40,000) for the purpose of purchasing streetlight equipment for the Farlow Hill neighborhood. [04/14/09 @5:32 PM]

PUBLIC FACILITIES APPROVED 7-0 on 04-22-09

FINANCE APPROVED 6-0 (Freedman not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #100-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend sixty thousand five hundred twenty three dollars (\$60,527) from Budget Reserve for the purpose of supplementing the Building Department FY09 budget for fuel costs. [03/31/09 @ 6:11 PM]
PUBLIC FACILITIES APPROVED 3-0-4 (Albright, Lappin, Lennon and Mansfield abstaining) on 04-22-09
FINANCE APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #99-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend thirty eight thousand two hundred sixty-one dollars (\$38,261) from Budget Reserve for the purpose of supplementing the Building Department FY09 budget for HVAC repairs. [03/31/09 @ 6:12 PM]
PUBLIC FACILITIES APPROVED 7-0 on 04-22-09
FINANCE APPROVED 7-0

REFERRED TO LAND USE COMMITTEE ON MAY 18, 2009

REQUEST FOR WITHDRAWAL WITHOUT PREJUDICE

- #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. *90 days expires May 21, 2009.*
SUSPENSION OF THE RULES TO POLL LAND USE COMMITTEE APPROVED
LAND USE COMMITTEE APPROVED WITHDRAWAL 7-0

PUBLIC HEARINGS WERE ASSIGNED BY THE LAND USE COMMITTEE FOR JUNE 2, 2009 FOR THE FOLLOWING 7 ITEMS:

- #135-09 KENNETH S. LEONETTI & SUSAN L. AMSTER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to construct an addition on the east side of an existing single-family dwelling, increasing the legally nonconforming floor area ratio from .303 to .348, and to allow two existing parking spaces in the setback at 124 ALLERTON ROAD, Ward 6, NEWTON HIGHLANDS on land known as Sec 52, Blk 26, Lot 8, containing approx 7,550 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)(b), 30-21(b), 30-19(g)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

- #136-09 PETER & ENID LEVANGIE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to construct a one-story addition onto the rear of an existing single-family dwelling, increasing the legally nonconforming floor-area ratio from .26 to .32, at 20 CHESTNUT HILL TERRACE, Ward 7, CHESTNUT HILL, on land known as Sec 63, Blk 28, Lot 18, containing approximately 8,800 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)(b), 30-21(b) of the City of Newton Rev Zoning Ord 2007.
- #137-09 CHRIS TEITLEMAN & TINA SCIOLETTI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to demolish a porch and construct a two-story addition onto the rear of an existing single-family dwelling, increasing a legally nonconforming floor area ratio from .313 to .429, at 169 OLIVER ROAD, Ward 5, WABAN, on land known as Sec 54, Blk 3, Lot 7, containing approx 6,000 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)(b), 30-21(b) of the City of Newton Rev Zoning Ord, 2007.
- #138-09 CATHERINE O'RIORDAN & LAWRENCE LICKLIDER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to demolish a portion of an existing single-family dwelling, including a converted sunporch, front entry and 2nd floor bedroom, in order to construct a 2-story addition, increasing the legally nonconforming floor area ratio from .365 to .467, and to waive the front setback requirement at 17 WILDE ROAD, Ward 5, WABAN, on land known as Sec 55, Blk 24, Lot 13, containing approx 4,800 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-21(a)(2)(b), 30-21(b) of the City of Newton Rev Zoning Ord, 2007.
- #139-09 FRANCESCO GIGLIOTTI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to construct a second-story addition onto the front of an existing single-family dwelling, increasing the legally nonconforming floor area ratio from .43 to .48, at 204 RIVER STREET, WEST NEWTON, on land known as Sec 44, Blk 17, Lot 55, containing approx 3,064 sf feet of land in a district zoned SINGLE RESIDENCE 3. Ref: 30-24, 30-23, 30-21(a)(2)(b), 30-21(b) of the City of Newton Rev Zoning Ord, 2007.
- #140-09 GIL SHNEORSON petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to construct a two-story addition to the rear of an existing single-family dwelling, increasing the legally nonconforming floor area ratio from .312 to .369, at 25 BOTHFELD ROAD, Ward 6, NEWTON CENTRE, on land known as Sec 64, Blk 9, Lot 10, containing approx 7,240 sf of land in a

district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-21(a)(2)(b), 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

- #141-09 JAMES G. & PATRICIA A. JUMES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to demolish an existing garage and reconstruct it with a second-story and to construct a two-story addition to the rear of an existing single-family dwelling, increasing the floor area ratio, at 26 ACACIA AVENUE, Ward 7, CHESTNUT HILL, on land known as Sec 63, Blk 23, Lot 14, containing approx 11,031 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: 30-24, 30-23, 30-15 Table 1, Footnote 5, of the City of Newton Rev Zoning Ord, 2007.

PUBLIC HEARINGS WERE ASSIGNED BY THE ZONING & PLANNING COMMITTEE FOR JUNE 8, 2009 FOR THE FOLLOWING 4 ITEMS:

- #142-09(2) ALD. BAKER, DANBERG, HESS-MAHAN, MANSFIELD, PARKER, YATES proposing a *resolution* to request that the Director of Planning and Development review and analyze the definition of “*Floor area, gross*” for residential structures as it is used in the definition and calculation of “*Floor area ratio*” in Section 30-1 with respect for actual usage, and make recommendations for amendments thereto and in the dimensional regulations contained in Table 1 of Section 30-15, which may also include illustrations, the purpose of which is to regulate the size, density and intensity of use in the construction or renovation of, or additions to a residential structure, to more accurately reflect and be compatible with neighborhood character, and to ensure that a proposed residential structure is consistent with and not in derogation of the size, scale and design of other existing structures in the neighborhood, and is not inconsistent with the city’s comprehensive plan.
- #303-07 ALD. JOHNSON, ALBRIGHT, HESS-MAHAN, LINSKY & SANGIOLO proposing to amend Chapter 30-24(f) to revise provisions requiring inclusion of low-income housing units in certain residential developments, by so doing encourage multi-family developers to seek approval under Newton zoning rather than under Chapter 40B. [1-3-07@9:29; AM]
- #142-09 ALD. BAKER, DANBERG, HESS-MAHAN, MANSFIELD, PARKER, YATES proposing that Chapter 30 be amended to provide a cumulative floor area ratio bonus of .05 for renovation of existing one- and two-family homes which meet otherwise applicable dimensional requirements; to provide an additional .02 floor area ratio bonus for renovation of existing one- and two-family homes on old zoning lots which meet new zoning lot dimensional requirements; to clarify the application of the existing .05 floor area ratio bonus for new construction of one- and two-family homes; to end such floor area ratio bonuses on June 30, 2010; and

to clarify the application of the *de minimis* rule, in accordance with language provided.

- #108-07(3) ALD. SANGIOLO proposing the suspension/rescission of Ordinance Z-44, voted on March 16, 2009, which deleted Footnote 7 of Section 30-15, Table 1 relative to floor area ratio.