

CITY OF NEWTON
IN BOARD OF ALDERMEN
BOARD ACTIONS

Monday, June 15, 2009

Present: Ald. Albright, Brandel, Ciccone, Coletti, Danberg, 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 PUB SAF & TRANSPORTATION AND FINANCE COMMS.

#117-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend eighty-eight thousand dollars (\$88,000) from Free Cash for the purpose of supplementing the Fire Department overtime account.
[04/14/09 @ 5:33 PM]

PUBLIC SAFETY APPROVED 6-0 on 5-20-09
FINANCE APPROVED 5-0 (Freedman not voting)

Motion to Amend the Funding Source to Budget Reserve was APPROVED by Voice Vote

APPROVED AS AMENDED 23 YEAS, 1 NAY (Ald. Lennon)

REFERRED TO FINANCE COMMITTEE

#149-09 HONOR THE MAYOR requesting a transfer of twelve thousand dollars (\$12,000) from Unemployment in Human Resources to Legal Services and an additional four thousand dollars (\$4,000) from Unemployment to the Human Resources Consultants. These transfers will allow Human Resources to pay legal and consulting fees related to multiple pending arbitrations through FY09. [05-12-09 @ 5:02 PM]

Note: A letter from His Honor the Mayor was received on 05/26/09 requesting to increase the transfer from Unemployment in Human Resources to legal and consulting in Human Resources from \$16,000 to \$25,000.

FINANCE APPROVED 5-0 (Ald. Freedman not voting)

APPROVED 23 YEAS, 1 NAY (Ald. Lennon)

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

- #124-09 ALD. HARNEY requesting to amend the Rules and Orders of the Board of Aldermen to place a term limit on the President of the Board to two consecutive terms. [04-27-09 @ 10:38 PM]
APPROVED 4-3 as amended to three consecutive terms (Baker, Hess-Mahan and Merrill opposed; Freedman not voting)
DENIED 16 NAYS, 8 YEAS (Ald. Brandel, Gentile, Harney, Johnson, Mansfield, Parker, Sangiolo, Swiston)

ALDERMAN LINSKY FILED FOR RECONSIDERATION OF THIS ITEM ON JUNE 16, 2009. IT WILL BE BEFORE THE BOARD AGAIN ON JULY 13, 2009

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 24 YEAS TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

REFERRED TO LAND USE COMMITTEE

Tuesday, June 2, 2009

- Application for a 2009 Class 2 Automobile Dealer License
#119-09 GLOBAL VENTURES GROUP d/b/a/ LuxAutoPlus
1197-1201 Washington Street
West Newton 02465
APPROVED 7-0 (Merrill not voting)

Public Hearings were held on the following 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.
HEARING CLOSED; APPROVED 8-0
- #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.

HEARING CLOSED; APPROVED 8-0

#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.

HEARING CLOSED; APPROVED 8-0

#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.

HEARING CLOSED; APPROVED 8-0

#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.

HEARING CLOSED; APPROVED 8-0

#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.

HEARING CLOSED; APPROVED 8-0

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, June 8, 2009

A motion to suspend the rules to allow the reporting of the following Zoning and Planning item with a written report submitted at the Board meeting was APPROVED by VOICE VOTE

- #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.

ZONING & PLANNING APPROVED 7-0

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, June 3, 2009

- #111-08(2) ALD. JOHNSON and PARKER requesting regularly scheduled updates and discussion each month in regard to the offering of a RESOLUTION to the Mayor, President of the Board of Aldermen, and Chair of the School Committee that they, during the budget development and review process, identify short term tactics to improve the City’s operational efficiency and effectiveness. In addition, they establish a citizen advisory group to assist in planning for additional tactics and strategies to improve the City’s operational efficiency and effectiveness in future fiscal years, and report progress to the Board of Aldermen, School Committee and the public before any vote is taken by the citizens of Newton for any operational override. [04/01/08 @ 11:22 AM]

NO ACTION NECESSARY 5-0 (Freedman, Merrill, Hess-Mahan not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, June 3, 2009

REFERRED TO PUB. SAFETY & TRANS. AND FINANCE COMMS

#158-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Budget Reserve the sum of thirty one thousand one hundred seventeen dollars twenty cents (\$31,117.20) for the purpose of testing, clothing, and equipping eight new Fire Department recruits. [05/26/09 @ 5:52 PM]

FINANCE APPROVED 5-0 (Freedman not voting) on 6/8/09

PUBLIC SAFETY APPROVED 6-0 (Harney and Vance not voting)

REFERRED TO PUB. SAFETY & TRANS. AND FINANCE COMMS

#159-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Budget Reserve the sum of fifty-five thousand dollars (\$55,000) for the purpose of supplementing the Police Department overtime account. [05/26/09 @ 5:52 PM]

FINANCE APPROVED 5-0 (Freedman not voting) on 6/8/09

PUBLIC SAFETY APPROVED 5-0 (Harney, Ciccone and Vance not voting)

#81-09 ALD. DANBERG, LINSKY, CICCONE, SWISTON, HARNEY, COLETTI, VANCE, FISCHMAN AND SALVUCCI requesting an informational discussion with Traffic Engineer and the Public Safety & Transportation Committee on the Manual of Uniform Traffic Control Devices and how it shapes traffic control decisions on the municipal level. [03-06-09 @ 9:09 AM]

PUBLIC SAFETY NO ACTION NECESSARY 7-0 (Harney not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, June 3, 2009

#83-09 HIS HONOR THE MAYOR requesting authorization to lease space on and around Fire Station #10 and/or lease space on and around the water tank off Ober Road for wireless communication equipment.

PUBLIC FACILITIES WITHDRAWN WITHOUT PREJUDICE 4-0 (Gentile, Mansfield, and Yates not voting)

#341-08 NATIONAL GRID petitioning for a grant of location to install and maintain 80 ± of 6, 12" gas main from the existing 12" gas main in Lowell Avenue at Hull Street easterly to the existing 8" gas main across from Newton North High School and to install a new regulator station in HULL STREET (Ward 2). [09-26-08 @ 11:10 AM]

APPROVED 6-0 (Mansfield not voting)

#96-09 ALD. LENNON, CICCONE AND MERRILL requesting approval of the conceptual plan approved by the Traffic Council for the traffic improvements of PARK and VERNON STREETS and to send a resolution to the Mayor to fund the design and improvements. [03/31/09 @ 8:08 AM]

PUBLIC FACILITIES APPROVED AS AMENDED 6-0 (Mansfield not voting)

REFERRED TO FINANCE COMMITTEE

Monday, June 8, 2009

Re-appointment by His Honor the Mayor

#116-09 MARIA BIANCHI ROSEN, 41 Aspen Avenue, Auburndale, re-appointed as a Constable for the City of Newton for a term to expire May 1, 2012. (60 days: 06/20/09) [04/13/09 @ 1:04 PM]

FINANCE APPROVED 5-0 (Freedman not voting)

REFERRED TO PUB. SAFETY & TRANS. AND FINANCE COMMS

#158-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Budget Reserve the sum of thirty one thousand one hundred seventeen dollars twenty cents (\$31,117.20) for the purpose of testing, clothing, and equipping eight new Fire Department recruits. [05/26/09 @ 5:52 PM]

PUBLIC SAFETY & TRANSPORTATION APPROVED 6-0 (Harney and Vance not voting) on 06-03-09

FINANCE APPROVED 5-0 (Freedman not voting)

#157-09 HIS HONOR THE MAYOR requesting acceptance of and authorization to expend a PSAP Training Grant in the amount of thirty-one thousand one hundred eleven dollars (\$31,111) to provide dispatch training, fees and overtime costs. [05/26/09 @ 5:53 PM]

FINANCE APPROVED 5-0 (Freedman not voting)

REFERRED TO PUB. SAFETY & TRANS. AND FINANCE COMMS

#159-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Budget Reserve the sum of fifty-five thousand dollars (\$55,000) for the purpose of supplementing the Police Department overtime account. [05/26/09 @ 5:52 PM]

PUBLIC SAFETY & TRANSPORTATION APPROVED 5-0 (Ald. Ciccone, Harney and Vance not voting) on 06-03-09

FINANCE APPROVED 5-0 (Ald. Freedman not voting)

- #128-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Budget Reserve the sum of ten thousand dollars (\$10,000) for the purpose of installing an additional heating coil in the air handler at the Senior Center. [04/28/09 @ 6:04 PM]
FINANCE APPROVED 6-0
- #154-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of fifteen thousand dollars (\$15,000) from the Commonwealth Golf Course Mayor's Golf Day Receipts Reserved for Appropriation Fund to the Parks and Recreation Revolving Fund for the purpose of funding scholarships for youth attending Parks and Recreation camp programs. [05-29-09 @ 12:33 PM]
FINANCE APPROVED 6-0
- #343-08(2) HIS HONOR THE MAYOR requesting a RESOLUTION from the Board of Aldermen pursuant to a letter from the Mayor dated July 3, 2001 relative to setting a fee of \$50 per trench under the new Trench Excavation Safety Permit requirements of the Commonwealth and ordinance Z-33, dated November 3, 2008. [4/28/09 @ 6:03 pm]
FINANCE APPROVED 5-0-1 (Parker abstaining)
- REFERRED TO CMTE ON COMM. PRES & FINANCE COMMITTEE**
- #132-09 THE COMMUNITY PRESERVATION COMMITTEE recommending that one million eighty-two thousand five hundred dollars (\$1,082,500) be appropriated and expended from the Community Preservation Fund's historic and general reserves for the preservation and rehabilitation of Warren House. [04/27/09 @ 9:04 AM]
COMMUNITY PRESERVATION APPROVED 7-0 on 05-26-09
FINANCE APPROVED 6-0
- REFERRED TO CMTE ON COMM. PRES. & FINANCE COMMITTEE**
- #91-09 COMMUNITY PRESERVATION COMMITTEE requesting 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]
COMMUNITY PRESERVATION APPROVED (Parker abstaining; Ciccone not voting) on 5-26-09
FINANCE APPROVED 6-0
- #156-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Budget Reserve the sum of seventy-five thousand dollars (\$75,000) for the purpose of supplementing the Law Department Legal Assistance Account. [05/26/09 @ 5:52 PM]
FINANCE APPROVED 6-0

Public Hearings were Assigned for July 14, 2009 for the following Land Use Items**Public Hearing was assigned for July 14**

#232-07(4) AMERADA HESS CORPORATION/DONALD F. LUNNY, JR., TRUSTEE OF LUNNY REAL ESTATE TRUST petition to AMEND special permit #232-07 by deleting in condition 9.d. the reference to the "...bermed area at the edge of the curb extension planted with grass and pear trees..." which is not shown on the plan and not built as part of the already constructed curb extension approved in SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NON-CONFORMING USE, granted on 12/17/07, for the conversion of a full-service gasoline selling station to a self-service gasoline selling station and retail convenience store at 2370 COMMONWEALTH AVENUE, Ward 4, AUBURNDALE, Ref: Sec 30-23 and 30-24 of the City of Newton Rev Zoning Ord, 2007.

A suspension of the Rules was APPROVED BY VOICE VOTE to allow the following late filed petition to be accepted to the docket and assigned to the Land Use Committee

Public Hearing was assigned for July 14

#163-09 NICHOLAS POLYHRONOPOULOS & VASILKI POLYHRONOPOULOS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION of a NONCONFORMING STRUCTURE to install a semi-circular driveway within the front setback with parking; replace an existing nonconforming front stairway in the front setback; and to install /construct retaining walls and stairways as retaining walls at an existing single-family dwelling at 103 COMMONWEALTH AVENUE, Ward 7, CHESTNUT HILL, on land known as Sec 63, Blk 8, Lot 46, containing approx 13,693 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21((b), 30-19(g)(1) and (3), 30-19(m), 30-5(b)(4) as most recently amended by Ordinance Z-45.