

## REPORTS DOCKET

June 2: Land Use Continued  
June 3: Programs & Services; Public Safety & Transportation; Public Facilities Page 131  
June 8: Finance; Zoning & Planning Monday, June 1, 2009  
Newton City Hall  
To be reported on  
**Monday, June 15, 2009**

### CITY OF NEWTON

#### IN BOARD OF ALDERMEN

#### REFERRED TO LAND USE COMMITTEE

Tuesday, June 2, 2009

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

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 2<sup>nd</sup> 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**
- #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.  
**HEARING CLOSED; HELD 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

Present: Ald. Yates (Chairman), Ald. Baker, Lappin, Swiston, Danberg, Linsky, and Harney; absent: Ald. Ciccone; also present: Albright, Hess-Mahan, Johnson, and Parker

#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.

**APPROVED 7-0**

***Public Hearings were held on the following items:***

#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.

**HEARING CLOSED**

#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.

**HEARING CLOSED**

#303-07 ALDERMEN JOHNSON, ALBRIGHT, HESS-MAHAN, LINSKY, SANGIOLO recommending that Section 30-24(f) *Inclusionary Zoning* of Chapter 30 of the Revised Ordinances of Newton, Massachusetts, 2007, be amended to clarify and revise its provisions by replacing current Section 30-24(f)(4) with new language to further allow cash in lieu of providing on-site Inclusionary Units; by inserting a new Section 30-24(f)(16) providing incentives for exceeding the mandated number of Inclusionary Units; by replacing Section 30-24(f)(8)b) with new language to align marketing and resident selection plans with related city, state and federal provisions; to clarify pricing rules for Inclusionary Units by replacing Sections 30-24(f)(1b)(ii) and (iv) with new language and by adding a definition of “Area Median Income” at the end of Section 30-24(f)(1); by adding subsection vi) at the end of Section 30-24(f)(1b) to assure consistency where apt with DHCD regulations; by replacing Section 30-24(f)(3) with new language clarifying applicability of the 15% inclusion rule; and by revising Section 30-24(f)(8) by restoring previously omitted paragraphs f) and g) and revising them, changing responsibility for annual compliance reporting from the Housing Authority to the Director of Planning and Development.

**HEARING CLOSED**

**REFERRED TO PROGRAMS & SERVICES COMMITTEE**

Wednesday, June 3, 2009

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

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#272-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Human Resources Departments. [07/17/08 @ 9:53 AM]

**HELD 5-0 (Freedman, Hess-Mahan and Merrill not voting)**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#258-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding reorganization of senior transportation services and establishment of intra-village transportation systems. [07/08/08 @ 1:29 PM]

**HELD 7-0 (Freedman not voting)**

- #306-08 ALD. BAKER, DANBERG, MANSFIELD & PARKER requesting discussion of how swimming at Crystal Lake might be lawfully and safely extended beyond mid-August. [08/26/08 @ 5:03 PM]  
**HELD 8-0**
- #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)**
- #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

Present: Ald. Linsky (Chairman), Ciccone, Harney, Danberg, Vance, Fischman, Coletti and Swiston; also present: Ald. Hess-Mahan

**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**  
**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**  
**APPROVED 5-0 (Harney, Ciccone and Vance not voting)**
- #147-09 ALD. VANCE, HESS-MAHAN AND DANBERG requesting discussion with members of the Administration of such possible adoption by Newton's city government of a program such as Zipcar's Fast Fleet vehicle-sharing and management system as a means of reducing the costs of vehicle usage by city employees and the impact of such usage on the environment. [05/11/09 @ 9:58 AM]  
**HELD 8-0**
- #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]  
**NO ACTION NECESSARY 7-0 (Harney not voting)**
- #66-09 ALD. HARNEY at the request of local residents, a discussion of Sec. 3-29, Removal and disposal of canine waste, with recommendations on how the ordinance can be enforced and whether or not the fines are appropriate. [02-24-09 @ 7:33 PM]  
**HELD 5-0 (Ciccone, Harney and Vance not voting)**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, June 3, 2009

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

- #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.  
**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]  
**APPROVED AS AMENDED 6-0 (Mansfield not voting)**

#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 (Mansfield not voting)**

**REFERRED TO FINANCE COMMITTEE**

Monday, June 8, 2009

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

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]  
**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**  
**APPROVED 5-0 (Freedman not voting)**

**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**  
**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]  
**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**  
**APPROVED 5-0 (Ald. Freedman not voting)**
- #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.*  
**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]  
**APPROVED 6-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #36-08(2) HIS HONOR THE MAYOR requesting to amend docket item #36-08 by appropriating an additional one hundred nine-thousand six hundred twenty-seven dollars (\$109,627) from Budget Reserve for the fuel tank replacements at the Elliot Street DPW yard. [04/28/09 @ 6:02 PM]  
**PUBLIC FACILITIES APPROVED 5-0-2 (Gentile and Lennon abstaining) on 5-20-09**  
**HELD 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]  
**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]  
**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**  
**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**  
**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]  
**APPROVED 6-0**