

CITY OF NEWTON

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, July 13, 2009

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

Absent: Swiston, Salvucci

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

- #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]
PROGRAMS & SERVICES APPROVED 4-3 AS AMENDED to three consecutive terms (Baker, Hess-Mahan and Merrill opposed; Freedman not voting) on 6/3/09.
COMMITTEE REPORT FAILED TO CARRY 8-16 (Brandel, Gentile, Harney, Johnson, Mansfield, Parker, Sangiolo, and Swiston voting in the affirmative) at 6/15/09 Full Board of Aldermen.
MOTION TO RECONSIDER FILED BY ALD. LINSKY on JUNE 16, 2009
MOTION TO RECONSIDER FAILED 16 nays, 5 yeas (Ald. Brandel, Gentile, Linsky, Parker, Sangiolo), 3 Absent (Ald. Harney, Salvucci, Swiston)
- #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.
LAND USE APPROVED 7-0-1 (Fischman abstaining)
MOTION TO POSTPONE TO AUGUST 10 APPROVED BY VOICE VOTE

#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 July 30, 2010; and to clarify the application of the *de minimis* rule, in accordance with language provided.

MOTION TO APPROVE FAILED TO CARRY 3-4 (Baker, Linsky, Yates voting in the affirmative; Danberg, Harney, Lappin, Swiston opposed (90 days: 9/6/09))

ITEM CHARTERED BY ALD. GENTILE

#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.

MOTION TO APPROVE AS AMENDED WITH A SUNSET DATE OF JULY 30, 2010 FAILED TO CARRY 3-3-1 (Harney, Lappin, Swiston voting in the affirmative; Baker, Linsky, Yates opposed; Danberg abstaining) (90 days: 9/6/09)

MOTION TO SUBSTITUTE APPROVAL FOR DENIAL APPROVED 12 yeas, 10 Nays (Ald. Albright, Danberg, Fischman, Freemdan, Hess-Mahan, Linsky, Mansfield, Vance, Yates, Baker)

MOTION TO POSTPONE TO AUGUST 10 APPROVED BY VOICE VOTE

#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)(1)b)(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)(1)b) 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. **(Public Hearing closed on 6/8/09; 90 days: 9/6/09)**

(A) AMENDMENT NOS. 2-8 APPROVED AS AMENDED 6-0

(B) AMENDMENT NO. 1 APPROVED AS AMENDED 4-0-2 (Baker, Swiston, Ciccone, Linsky voting in the affirmative; Lappin and Yates abstaining)

MOTION TO SUSPEND THE RULES TO ALLOW COMMITTEE TO BE POLLED APPROVED.

MOTION IN COMMITTEE TO AMEND (B) AMENDMENT 1 TO THE ORIGINAL LANGUAGE AS APPROVED BY THE LAW DEPARTMENT APPROVED 7-0

(A) APPROVED 19 yeas, 5 absent (Ald. Coletti, Freedman, Gentile, Salvucci, Swiston)

(B) APPROVED 18 yeas, 1 nay (Ald. Parker), 5 absent (Ald. Coletti, Freedman, Gentile, Salvucci, Swiston)

#342-08

ALD. SANGIOLO, HARNEY AND GENTILE requesting raised crosswalks/intersections at Grove and Cornell Streets and Grove Street and Pine Grove Avenue as approved by the Traffic Council to be funded with the Cabot, Cabot and Forbes Traffic Mitigation Fund for Lower Falls (Ward 4). [07-28-08 @ 11:35 AM]

PUBLIC FACILITIES APPROVED 4-0-1 (Schnipper abstaining; Albright, Lappin and Salvucci not voting)

MOTION TO RECOMMIT TO PUBLIC FACILITIES FAILS ON VOICE VOTE

ITEM APPROVED BY VOICE VOTE

#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.

MAIN ITEM HELD 8-0

A) TRAFFIC SIGNAL AT WALNUT STREET AND TROWBRIDGE AVENUE APPROVED 5-3 PER CONDITION #5 OF THE SITE PLAN APPROVAL BOARD ORDER #224-06 (Albright Yates and Mansfield opposed)

MOTION TO RECOMMIT TO PUBLIC FACILITIES APPROVED 15 yeas, 6 nays (Ald. Ciccone, Gentile, Lappin, Schnipper, Vance, Baker), 3 Absent (Ald. Freedman, Salvucci, Swiston)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 3 ABSENT (ALD. HARNEY, SALVUCCI, SWISTON) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

REFERRED TO LAND USE COMMITTEE

Tuesday, June 16, 2009

#102-09 VIDEOLINK/DIV WASHINGTON STREET, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to install a satellite antenna on an existing parking garage at 1210-1230 WASHINGTON STREET, WEST NEWTON, on land known as Sec 31, Blk 4, Lots 13 and 15, containing approx 79,093 and 14,089 sf, respectively, in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-18(a)(e)(5) and (f) of the City of Newton Rev Zoning Ord, 2007.

HEARING CLOSED; LAND USE APPROVED 7-0 (Brandel not voting)

#65-08(3) REQUEST FOR A ONE-YEAR EXTENSION OF TIME to EXERCISE SPECIAL PERMIT #65-08 granted on June 16, 2008 to Giovanna Forte to construct a new single-family dwelling, including conversion of an existing 2-family dwelling to a 1-family and demolition of an existing detached 2-car garage and shed at 48 Cherry Place, Ward 3, West Newton. Said extension will run from June 16, 2009 to June 16, 2010.

LAND USE APPROVED 7-0 (Brandel not voting)

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, June 22, 2009

Appointment by His Honor the Mayor

#153-09 WILLIAM M. McLAUGHLIN, 117 Hammond Street, Chestnut Hill, appointed as an associate member of the Zoning Board of Appeals for a term of office to expire July 30, 2010 (60 days:07/31/09).

ZONING & PLANNING APPROVED 7-0

Re-appointment by His Honor the Mayor

#152-09 THOMAS J. PHILLIPS, 138 Algonquin Road, Chestnut Hill, re-appointed as an associate member of the ZONING BOARD OF APPEALS for a term to expire June 30, 2010 (60 days:07/31/09).

ZONING & PLANNING APPROVED 6-0-1 (Harney abstaining)

Re-appointment by His Honor the Mayor

#165-09 NANCY GRISSOM, 7 Orris Street, Auburndale, re-appointed as a member of the NEWTON HISTORICAL COMMISSION for a term to expire June 30, 2012 (60 days: 8/15/09).

ZONING & PLANNING APPROVED 7-0

Re-appointment by His Honor the Mayor

#166-09 MARK ARMSTRONG, 61 Vaughn Avenue, Newton Highlands, re-appointed as an alternate architect member of the AUBURNDALE HISTORIC DISTRICT COMMISSION for a term to expire June 30, 2012 (60 days: 8/15/09).

ZONING & PLANNING APPROVED 7-0

#542-03(2) CLEAR CHANNEL RADIO, BEASLEY BROADCASTING GROUP and CHAMPION BROADCASTING SYSTEMS, INC. offering in accordance with the Conservation Commission's Order of Conditions referenced in special permit #542-03, dated November 21, 2005, a Conservation Restriction on portions of property located at 750 Saw Mill Brook Parkway.

ZONING & PLANNING APPROVED 6-0-1 (Swiston abstaining)

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, July 8, 2009

#146-09 ALD SANGIOLO requesting a discussion to explore the possibility of the sale of City of Newton-related merchandise to benefit various city departments. [05/06/09 @ 4:46 PM]

PROGRAMS & SERVICES APPROVED 7-0

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, June 17, 2009

REFERRED TO PROG. & SERV., Z ONING & PLANNING, PUB. FACIL, PUBLIC SAFETY & TRANSPORTATION AND FINANCE COMMITTEES

#273-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that the Executive and Human Resources Departments develop a comprehensive human capital strategy for the city to include: performance management, talent development, succession planning, and compensation. [07-17-08 @ 9:53 AM]

REFERRED TO PROGRAM & SERVICES AND FINANCE COMMITTEES APPROVED 7-0 (Coletti not voting)

#172-09 POLICE DEPARTMENT submitting report of semi-annual taxi license/public auto inspections for review. [05/09/09 @ 10:25AM]

PUBLIC SAFETY APPROVED 6-0 (Linsky and Coletti not voting)

#171-09 HAMDI TLILI, 501 Commerce Drive, Unit #4211, Braintree, MA 02184, requesting one (1) new public auto license for NEWTON CAR SERVICE. [06/08/09 @ 3:38 PM]

PUBLIC SAFETY APPROVED 6-0 (Linsky and Coletti not voting)

- #173-09 ALD. LINKSY, DANBERG AND FREEDMAN requesting a discussion with the Executive Department, Commissioner of Public Buildings and Fire Chief relative to the City's submission of grant applications for federal stimulus funds available to assist in the construction and renovation of fire stations. [06/08/09 @ 7:37 PM]
PUBLIC SAFETY NO ACTION NECESSARY 7-0 (Coletti not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, June 17, 2009

REFERRED TO PROG. & SERV., ZONING & PLAN, PUB. FACIL., PUB. SAF. FINANCE COMMITTEES

- #273-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that the Executive and Human Resources Departments develop a comprehensive human capital strategy for the city to include: performance management, talent development, succession planning, and compensation. [07-17-08 @ 9:53 AM]
PUBLIC FACILITIES NO ACTION NECESSARY 5-0 (Albright, Lappin and Salvucci not voting)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 1 EXCUSED (ALD. CICCONE), 3 ABSENT (ALD. HARNEY, SALVUCCI, SWISTON) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

Application for a Class 2 Automobile Dealer License

- #162-09 CICCONE MOTORS
259 Walnut Street
Newtonville 02460
LAND USE APPROVED 4-0 (Hess-Mahan not voting)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 1 NAY (ALD. GENTILE), 3 ABSENT (ALD. HARNEY, SALVUCCI, SWISTON) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEM:

REFERRED TO LAND USE COMMITTEE

Tuesday, June 30, 2009

- #121-09 CONGREGATION SHAAREI TEFILLAH, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXPAND A NONCONFORMING USE to add approximately 8,000 square feet to an existing Orthodox Synagogue to increase the number to a total of 405 seats and to waive the required number of parking stalls; locate a parking stall in the front setback; and to waive landscaping and lighting requirements for parking facilities for five or more stalls at 29-31 and 35 MORSELAND AVENUE, Ward 2, NEWTON CENTRE on land known as Sec 13, Blk 30, Lots 11A and 11b, containing a combined total of 31,300 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(h)(1), 30-19(i), (j), and (m) of the City of Newton Rev Zoning Ord, 2007, and special permit #47-87, condition nos. 3 and 5.
LAND USE APPROVED 5-0

THE FOLLOWING ITEMS WERE ASSIGNED PUBLIC HEARINGS IN LAND USE COMMITTEE FOR SEPTEMBER 15, 2009

- #181-09 210 NEEDHAM STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert a portion of existing retail space to restaurant space with 120 seats at 120 at 201 NEEDHAM STREET, Ward 5, Newton Upper Falls on land known as Sec 51, Blk 28, Lot 8B, containing approx 64,398 sf of land in a district zoned MIXED USE 1. Ref: Sec 30-24, 30-23, and 30-13(b)(5) of the City of Newton Rev Zoning Ord, 2007.
- #182-09 188 NEEDHAM STREET petition for SPECIAL PERMIT to convert a portion of existing retail and office space to restaurant space with 120 seats at 188-210 NEEDHAM STREET, Ward 8, Newton Upper Falls, on land known as Sec 83, Blk 28, Lots 83 and 84, containing approx 192,308 sf of land in a district zoned MIXED USE 1 Ref: Sec 30-24 and 30-13(b)(5) of the City of Newton Rev Zoning Ord, 2007.
- #183-09 MONTE J. & ANNE H. WALLACE TRUSTEES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a private garage of more than 700 square feet to be attached to an existing single-family dwelling at 256 CHESTNUT HILL ROAD, Ward 7, Chestnut Hill,

on land known as Sec 63, Blk 32, Lot 3, containing approx 126,120 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, and 30-8((b)(7) of the City of Newton Rev Zoning Ord, 2007.