

DOCKET

July 14: Land Use
July 20: Finance

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Monday, July 13, 2009
Newton City Hall
To be reported on
Monday, August 10, 2009

CITY OF NEWTON

IN BOARD OF ALDERMEN

- I. Communications from His Honor the Mayor and other City Boards, Agencies, and Commissions.

REFERRED TO LAND USE COMMITTEE

Public Hearings to be assigned 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.

REFERRED TO ZONING & PLANNING COMMITTEE

Change in Appointment by His Honor the Mayor

#184-09 VINCENT FARINA, 24 Manemet Road, Newton Centre, currently an *associate member* of the ZONING BOARD of APPEALS, appointed as a full member, filling the position vacated by Bernard Shadrawy, for a term to expire September 1, 2011 (60 days 9/11/09).

Re-appointment by His Honor the Mayor

#185-09 HILLARY S. BROWN, 39 Crescent Avenue, Newton Centre, re-appointed as an *associate member* of the ZONING BOARD OF APPEALS for a term of office to expire September 1, 2010 (60 days 9/11/09).

Re-appointment by His Honor the Mayor

#186-09 SELMA URMAN, 90 Shady Hill Road, Newton Highlands, re-appointed as a member of the ZONING BOARD OF APPEALS for a term to expire September 30, 2012 (60 days 9/11/09)

Change in Appointment by His Honor the Mayor

#187-09 ZACK BLAKE, 66 Eddy Street, West Newton, currently an *alternate member* of the NEWTON HISTORICAL COMMISSION, appointed as a regular member for a term to expire January 1, 2010 (60 days 9/11/09).

Re-appointment by His Honor the Mayor

#188-09 DANIEL GREEN, 46 Glen Avenue, Newton Centre, re-appointed as a member of the CONSERVATION COMMISSION for a term to expire April 30, 2012 (60 days 9/11/09).

#207-09(2) ALD. PARKER proposing that chapter 30 be amended to allow additional seating in restaurants.

The following item, filed after the close of the Docket, needs a suspension of the Rules to be referred to committee:

#303-07(2) ALD. YATES asking consideration of an amendment to the inclusionary zoning ordinance, 30-8(f), that if adopted by the Board of Aldermen will provide that fee payments be allocated in the first instance to the Planning & Department, while still preserving the ability of the Newton Housing Authority or others to apply for to use such funds.

OTHER COMMUNICATIONS

#189-09 METROPCS administrative site review application pursuant to §30-18A(h) of the City of Newton Rev Zoning Ord for installation of 6 wireless antennas and equipment at One Gateway Center, Newton Corner.

- #190-09 DEPARTMENT OF CONSERVATION AND RECREATION submitting on July 1, 2009 a copy of the Environmental Notification Form for Nonantum Road Improvements. This document is on file in the office of the clerk of the Board. Comments on this project are due on or before July 28, 2009.
- #191-09 PARKS & RECREATION COMMISSION approving the request of the St. Mary of Carmen Society to host a carnival on the grounds of the Joanne C. Pellegrini Memorial Playground from July 15 to July 19, 2009
- #192-09 NEWTON CHILD CARE COMMISSION AND FUND submitting a report for FY09.

REFERRED TO PROGRAMS & SERVICES COMMITTEE

- #124-09(2) ALD. JOHNSON AND SANGIOLO proposing to limit the number of terms held by Chairmen of the Committees of the Board of Aldermen. [06/15/09 @ 10:17 AM]
- #193-09 ALD. ALBRIGHT AND FISCHMAN submitting, on behalf of the Dogs Off-Leash Advisory Committee, a report for discussion as required by City Ordinance Chapter 3 Section 30(e). [06/18/09 @ 3:30 PM]
- #242-03(4) ALD ALBRIGHT, JOHNSON AND FISCHMAN requesting an extension of the expiration date in the Off-Leash Dog Pilot Program (Section 3-30(e) as established by ordinance Z-11) from December 3, 2009 to December 31, 2011, to allow the creation of additional designated areas or times in existing Newton parks, and to provide the opportunity for a full evaluation of this ordinance. [06/15/09 @ 10:13 AM]

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

- #196-09 ALD. MANSFIELD requesting discussion of Sec. 19-99 (b), Speed humps of the Revised Ordinances of the City of Newton. [06/17/09 @ 11:24 PM]

The following item, filed after the close of the Docket, needs a suspension of the Rules to be referred to committee:

- #197-09 ALD. CICCONE, COLETTI, GENTILE, & SALVUCCI proposing a RESOLUTION that His Honor the Mayor as requested by the Newton Firefighters Executive Board by a vote on 7/7/09 respectfully delay for six months the decision to sign a 3-year contract for ambulance services to allow the Newton Firefighters Association the time needed to investigate the feasibility and prepare a proposal for the Newton Fire Department to provide emergency services to the City.

REFERRED TO PUBLIC FACILITIES COMMITTEE

- #198-09 ALD. SWISTON, SANGIOLO, HARNEY, PARKER & JOHNSON requesting a resolution be submitted to His Honor the Mayor requesting that he provide access to the site of publicly funded projects, like Newton North High School, be it guided or escorted if necessary for safety reasons, to a third party professional photographer for the purpose of providing free public dissemination of information. [07-07-09 @ 11:34 AM]

REFERRED TO FINANCE COMMITTEE

Appointment by His Honor the Mayor

- #199-09 LOIS McMULLIN, 11 Meigh Road, Chestnut Hill, appointed as a TRUSTEE of the NEWTON READ FUND for a term to expire June 1, 2012. (60 days 09/11/09)

Appointment by His Honor the Mayor

- #200-09 JOAN E. HARRINGTON, 157 Lowell Avenue, Newtonville, appointed as a TRUSTEE of the NEWTON READ FUND for a term to expire June 1, 2012 (60 days 9/11/09).

- #201-09 HIS HONOR THE MAYOR requesting acceptance of and authorization to expend a grant of fifty-nine thousand, nine hundred seven dollars (\$59,907) from the Federal FY09 American Recovery and Reinvestment Act (ARRA) Byrne Justice Assistance Grant Program to be used for tactical team staff development and equipment purchases for tactical field operations. [7/7/09 @4:31PM]

- #202-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred twenty-four thousand, two hundred thirty-two dollars (\$224,232) from Wage Reserve to the payroll accounts of Public Buildings, Public Works, and Parks and Recreation Departments for retroactive salary payments pursuant to the agreement reached with the Newton Municipal Employees Association. [7/7/09 @4:31PM]

- #203-09 HIS HONOR THE MAYOR requesting a transfer of funds in the amount of sixty-seven thousand, five-hundred dollars (\$67,500) from payroll accounts to expense accounts in the Treasury Department to (A) \$17,500 to restore parking ticket contract administration funds previously-transferred to cover an urgent staff vacancy in FY09 and (B) \$50,000 to cover an outstanding invoice payable to bond counsel for FY09. [7/7/09 @4:31PM]

- #204-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend five thousand nine hundred fifty-two dollars and fifty-six cents (\$5,952.56) from Budget Reserve to settle a claim that arose from a City truck striking a private vehicle on January 1, 2009. [7/7/09 @4:31PM]
- #205-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two thousand six-hundred twenty-one dollars (\$2,621) from Budget Reserve to fund actual FY10 salaries for the Retirement Board staff, which amount was inadvertently omitted from the FY10 budget. [7/7/09 @4:31PM]
- #206-09 HIS HONOR THE MAYOR requesting that **§27-9 Hotel, lodging house and motel excise tax.** of the City of Newton Revised Ordinances of 2007 be amended by increasing from 4% to 6% the local excise tax pursuant to GL chapter 64G §3A, accepted by the City in 1985 and recently amended to provide for this increase. If adopted prior to August 31, 2009, this increase would become effective October 1, 2009, generating for FY10 an estimated \$366,666 in new revenue. [7/7/09 @4:31PM]
- #207-09 HIS HONOR THE MAYOR requesting acceptance of GL64L, which authorizes a local option meals tax of 0.75%. If adopted prior to August 31, 2009, this tax would become effective October 1, 2009, generating for FY10 an estimated \$800,000 in new revenue. [7/7/09 @4:31PM]
- #33-05(2) HIS HONOR THE MAYOR requesting authorization to appropriate and expend from the *Arborpoint at Woodland Station* traffic mitigation receipts reserve account sixty-four thousand, six hundred twenty dollars (\$64,620) to defray the costs of upgrading the traffic signal equipment at the intersection of Washington Street and Commonwealth Avenue pursuant to Condition #8 of Comprehensive Permit #20-04. [7/7/09 @4:31PM]