

REPORTS DOCKET

June 16: Land Use Continued
June 17: Programs & Services; Public Safety & Transportation; Public Facilities Page 145
June 22: Zoning & Planning Monday, June 15, 2009
June 23: Real Property Reuse; Committee on Newton City Hall
Community Preservation To be reported on
Monday, July 13, 2009

CITY OF NEWTON

IN BOARD OF ALDERMEN

UNFINISHED BOARD BUSINESS

MOTION TO RECONSIDER FILED BY ALD. LINSKY on JUNE 16, 2009:

#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.

REFERRED TO LAND USE COMMITTEE

Tuesday, June 16, 2009

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

The public hearing on the following item was opened on May 19 and continued to June 16:

#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; APPROVED 7-0 (Brandel not voting)

- #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.
APPROVED 7-0-1 (Fischman abstaining)
- #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.
APPROVED 7-0 (Brandel not voting)
- #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.
HELD 8-0

REFERRED TO LAND USE COMMITTEE

Tuesday, June 30, 2009

Present: Ald. Mansfield (Chairman), Ald. Merrill, Brandel, Fischman, and Hess-Mahan;
absent: Ald. Albright, Sangiolo, and Vance; also present: Ald. Johnson and Linsky

Application for a Class 2 Automobile Dealer License

#162-09 CICCONE MOTORS

259 Walnut Street

Newtonville 02460

APPROVED 4-0 (Hess-Mahan not voting)

#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.

APPROVED 5-0

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, June 22, 2009

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

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).

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).

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).

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).

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.
APPROVED 6-0-1 (Swiston abstaining)
- #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)
- #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)
- #322-08 ALD. BAKER, YATES, & COMMISSIONER LOJEK requesting discussion of possible amendments to the City of Newton Ordinances to assist in assuring that properties that appear abandoned or severely dilapidated can be appropriately maintained or restored.
HELD 7-0

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, June 29, 2009

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

- #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. **(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)

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, June 17, 2009

Present: Ald. Johnson (Chairman), Baker, Brandel, Hess-Mahan, Merrill, Freedman,
Parker and Sangiolo

- #125-09 THE POST AUDIT & OVERSIGHT COMMITTEE requesting creation of a public tree protection ordinance and amendment of the current tree ordinance as recommended in the Tree Preservation Ordinance Report.
[04/17/09 @ 9:14 PM]
HELD 8-0

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]
APPROVED 5-0-1 (Merrill abstaining; Freedman, Sangiolo not voting)
FINANCE TO MEET

#82-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to allow the cities and towns to tax all telecommunications facilities in the City (which would yield at least \$1.6 million per year for Newton). [02/27/07 @ 10:21 PM]
HELD 6-0 (Freedman, Sangiolo not voting)

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, July 8, 2009

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

REFERRED TO PROGRAM AND SERVICES AND FINANCE COMMITTEES

#177-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from E-rate Receipts the sum of two hundred one thousand four hundred ninety seven dollars and fifteen cents (\$201,497.15) for the purpose of implementing the School Department wireless technology plan for Newton South, as well as district-wide management. [06/09/09 @ 5:09 PM]
APPROVED 7-0
FINANCE TO MEET

#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]
APPROVED 7-0

#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 7-0

#292-08(2) PROGRAMS AND SERVICES COMMITTEE requesting that His Honor the Mayor develop a written policy of standards and processes that could be uniformly followed by community groups for the use of the branch library buildings. [11/07/08 @ 11:11 AM]
HELD 7-0

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, June 17, 2009

Present: Ald. Linsky (Chair), Danberg, Vance, Fischman, Coletti, Ciccone, Swiston and Harney; also present: Ald. Freedman

**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]
APPROVED 6-0 (Linsky and Coletti not voting)
- #171-09 HAMDY 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]
APPROVED 6-0 (Linsky and Coletti not voting)
- #80-08(2) ALD. LINSKY AND DANBERG requesting an update from City staff on the City's commercial permit program and consideration of any changes based on the demand for permits to date. [06/08/09 @ 3:27 PM]
HELD 8-0
- #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]
NO ACTION NECESSARY 7-0 (Coletti not voting)
- REFERRED TO PS&T, PUBLIC FACILITIES AND FINANCE COMMITTEES**
- #60-09 ALD. SANGIOLO, GENTILE AND HARNEY requesting the installation of traffic islands on CONCORD STREET to be funded with the Cabot, Cabot and Forbes Traffic Mitigation Fund for Lower Falls (Ward 4). [02/03/09 @ 1:01 PM]
PUBLIC FACILITIES HELD 8-0 on 6-17-09
HELD 6-0 (Ciccone and Coletti not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, June 17, 2009

Present: Ald. Schnipper (Chairman), Lennon, Albright, Salvucci, Gentile, Yates, Mansfield, and Lappin; also present: Ald. Ciccone, Coletti, Danberg, Fischman, Harney, Linsky, Sangiolo, Swiston, and Vance

- #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)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #178-09 **HIS HONOR THE MAYOR** requesting to appropriate and expend from Capital Stabilization the sum of thirty eight thousand six hundred dollars (\$38,600) to the Building Department for the balance of the cost to replace the emergency generator at the Peirce Elementary School.
APPROVED 8-0
FINANCE TO MEET

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #179-09 **HIS HONOR THE MAYOR** requesting to appropriate and expend from bonded indebtedness the sum of four hundred five thousand dollars (\$405,000) to Department of Public Buildings for the purpose of replacing two underground fuel tanks at the Crafts Street DPW yard.
HELD 7-0 (Yates not voting)

REFERRED TO PS&T, PUBLIC FACILITIES AND FINANCE COMMITTEES

- #60-09 **ALD. SANGIOLO, GENTILE AND HARNEY** requesting the installation of traffic islands on CONCORD STREET to be funded with the Cabot, Cabot and Forbes Traffic Mitigation Fund for Lower Falls (Ward 4).
PS&T HELD 6-0 (Coletti and Ciccone not voting) on 06-17-09
HELD 8-0
- #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]

APPROVED 4-0-1 (Schnipper abstaining; Albright, Lappin and Salvucci 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 5-0 Albright, Lappin and Salvucci not voting)

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]
NO ACTION NECESSARY 5-0 (Albright, Lappin and Salvucci not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, July 8, 2009

Present: Ald. Schnipper (Chairman), Lennon, Mansfield, and Lappin; absent: Ald. Albright, Salvucci, Gentile, and Yates; also present: Ald. Harney, Hess-Mahan, Johnson, and Merrill

- #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.
HELD 4-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #179-09 HIS HONOR THE MAYOR requesting to appropriate and expend from bonded indebtedness the sum of four hundred five thousand dollars (\$405,000) to Department of Public Buildings for the purpose of replacing two underground fuel tanks at the Crafts Street DPW yard. [06-09-09 @ 5:08 PM]
FINANCE TO MEET
APPROVED 4-0

REFERRED TO PS&T, PUBLIC FACILITIES AND FINANCE COMMITTEES

- #60-09 ALD. SANGIOLO, GENTILE AND HARNEY requesting the installation of traffic islands on CONCORD STREET to be funded with the Cabot, Cabot and Forbes Traffic Mitigation Fund for Lower Falls (Ward 4). [02/03/09 @ 1:01 PM]
HELD 3-0 (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 3-0 (Mansfield not voting)

REFERRED TO REAL PROPERTY REUSE COMMITTEE

Tuesday, June 23, 2009

Present: Ald. Merrill (Chairman), Ald. Salvucci, Danberg, Baker, Brandel, Gentile, and Fischman; absent: Ald. Johnson; also present: Ald. Mansfield and Swiston

- #160-09 DIRECTOR OF PLANNING & DEVELOPMENT requesting discussion of potential redevelopment of a block of land bounded by Willow, Centre and Lyman Streets, to include the existing 60,850 sq. ft. Fire Department headquarters and Station #3 site.
HELD 6-0 (Baker not voting)

REFERRED TO COMMITTEE ON COMMUNITY PRESERVATION

Tuesday, June 24, 2009

Present: Ald. Lappin (Chairman), Ciccone, Hess-Mahan, Linsky and Yates; absent: Ald. Parker, Sangiolo and Vance; also present: Ald. Harney

REFERRED TO CMTE. ON COMM. PRES. & FINANCE COMMITTEE

- #151-09 THE COMMUNITY PRESERVATION COMMITTEE recommending that two million forty-six thousand dollars (\$2,046,000) be appropriated and expended from the Community Preservation Fund's community housing and general reserves to create ten permanently affordable homeownership units of community housing at 192 Lexington Street.
[05-11-09 @ 2:04 PM]
APPROVED 3-0-2 (Ciccone and Yates abstaining)
FINANCE TO MEET