

CITY OF NEWTON
IN BOARD OF ALDERMEN
BOARD ACTIONS

Monday, September 21, 2009

Present: Ald. Albright, Brandel, Ciccone, Coletti, Danberg, Fischman, Freedman, 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 CMTE ON COMMUNITY PRES AND 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]
COMMUNITY PRESERVATION APPROVED 3-0-2 (Ciccone and Yates abstaining) on 06-23-09
FINANCE APPROVED 4-0-1 (Gentile abstaining), SUBJECT TO 2ND CALL
MOTION TO POSTPONE TO OCTOBER 5 APPROVED BY VOICE VOTE

#237-09 VERIZON NEW ENGLAND, INC. petitioning for a grant of location to set new Pole 64/14A in CARLISLE STREET to be used to guy existing Pole 64/14 and to eliminate the aerial cables from crossing over the property at 124/126 Carlisle Street. (Ward 6) [07/30/09 @ 11:00 AM]
PUBLIC FACILITIES APPROVED SUBJECT TO 2ND CALL 7-0 (Albright not voting)
APPROVED 24 YEAS

NOTE: The Committee recommended an emergency preamble with the following item, which will require a separate two-thirds vote by the Board.

#238-09 NSTAR ELECTRIC COMPANY petitioning for a grant of location to install approximately 728 feet of conduit in Lowell Avenue and Elm Road and to install 2 new manholes in Elm Road to provide electric service to the new Newton North High School. (Ward 2) 08/06/09 @ 10:56 AM]
PUBLIC FACILITIES APPROVED 5-1-1 (Lappin opposed; Mansfield abstaining; Albright not voting)
APPROVED WITH EMERGENCY PREAMBLE 24 YEAS

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 24 YEAS, 0 NAYS, TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, September 14, 2009

Re-appointment by His Honor the Mayor

#212-09 BARBARA WALES, 5 Rotherwood Road, Newton Centre, re-appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2013 (60 days 10/9/09).
ZONING & PLANNING APPROVED 7-0

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.
ZONING & PLANNING APPROVED 7-0

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.
ZONING & PLANNING APPROVED 7-0

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.
ZONING & PLANNING APPROVED 7-0

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.
ZONING & PLANNING APPROVED 7-0

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.
ZONING & PLANNING APPROVED 7-0

Appointment by His Honor the Mayor

#211-09 JONATHAN SALES, 1429 Centre Street, Newton Centre, appointed as an associate member of the ZONING BOARD OF APPEALS for a term to expire September 1, 2010.

ZONING & PLANNING APPROVED 6-0 (Ciccone not voting)

#346-07(2) ZONING & PLANNING COMMITTEE proposing that subsection 22-40(h), *Exclusions*, of **Chapter 22-40, Historic district; purpose, governance, appointments, officers**, be amended by excluding from historic district commission review (i) Exterior-mounted antennas, with a power source, no higher than ten (10) feet and solely for municipal use on existing municipal structure in public use districts; and (j) elements of wireless mesh networks allowed by the review process under section 30-18(A)(g).

ZONING & PLANNING NO ACTION NECESSARY 6-0 (Ciccone not voting)

#48-04 ALD. GENTILE requesting that subsection (c) (1) of Chapter 22-44, **Demolition of historically significant buildings or structures**, be amended to affect a building or structure which is in whole or in part 100 or more years old.

ZONING & PLANNING NO ACTION NECESSARY 6-0 (Ciccone not voting)

#127-07 ALD. BURG, HESS-MAHAN requesting to amend Section 22-38 of the Revised Ordinances by adding a provision to create term limits for members of the Newton Historical Commission. [5-1-07 @2:23 PM]

ZONING & PLANNING NO ACTION NECESSARY 6-0 (Ciccone not voting)

#128-00(3) ZONING & PLANNING COMMITTEE requesting that the Planning, Law and Inspectional Services Departments develop an effective way to prevent in the historic districts the construction of structures that do not require building permits but nonetheless have impact on the historic character of the districts.

ZONING & PLANNING NO ACTION NECESSARY 6-0 (Ciccone not voting)

#334-04 ALD. HESS-MAHAN proposing that Sections 30-1, 30-8(d) and 30-9(h) relative to accessory apartments be amended.

ZONING & PLANNING NO ACTION NECESSARY 6-0 (Ciccone not voting)

- #9-05 PRESIDENT BAKER & YATES reporting on proposed Massachusetts Land Use Reform Act and discussion of possible aldermanic endorsement.
ZONING & PLANNING NO ACTION NECESSARY 6-0 (Ciccione not voting)
- #345-07 ALD. BURG, VANCE, HESS-MAHAN, SALVUCCI, DANBERG requesting revision of the special permitting process for signs.
ZONING & PLANNING NO ACTION NECESSARY 6-0 (Ciccione not voting)
- #231-02 ZONING & PLANNING COMMITTEE requesting that further studies be done by the Planning and Public Works Departments with maximum feasible participation by the neighborhood (using special permit mitigation money to hire consultant(s) if necessary) to answer questions and address issues raised in Zoning & Planning Committee on 6/10/02 about how to reduce the possibility of further over development in Thompsonville and ways to measure its impact.
ZONING & PLANNING NO ACTION NECESSARY 6-0 (Ciccione not voting)
- #287-01 ALD. SANGIOLO proposing an ordinance to require a permitting process for the construction of parking lots.
ZONING & PLANNING NO ACTION NECESSARY 6-0 (Ciccione not voting)
- #354-04 ALD. BAKER AND SANGIOLO proposing that Chapter 30 be amended to address building mass and height, better reflect usable floor area in attic and basement spaces, clarify measurement of building height when the roof line is changed, address upper story additions involving dormers and finished attic areas, and address large additions significantly increasing building size and mass, through amending the following provisions including but not limited to §30-1 definitions of “attic”, “height”, “story, half”, floor area, gross”, “space, habitable”, adding new definitions as appropriate re dormers and roof types, and amending §30-15, Table 1, Footnote 7(3) re calculation of FAR in the case of existing structures and such other related provisions as may apply.
ZONING & PLANNING NO ACTION NECESSARY 6-0 (Ciccione not voting)
- #339-06 ALD. PARKER proposing an amendment to Chapter 30 to require that residential developments over 36 feet in height include a minimum of 25% affordable (‘inclusionary’) units.
ZONING & PLANNING NO ACTION NECESSARY 6-0 (Ciccione not voting)

- #10-05 PRESIDENT BAKER recommending discussion and possible recommendations about amendments to historic district state law proposed by the Massachusetts Historical Commission, including suggested enhancement to facilitate local review and effective compliance.
ZONING & PLANNING NO ACTION NECESSARY 6-0 (Ciccione not voting)

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, September 9, 2009

Appointment by His Honor the Mayor

- #253-09 JULIA FELDMAN, 49 Commonwealth Park West, Newton Centre, appointed as a member of the ADVISORY COUNCIL OF HEALTH AND HUMAN SERVICES for a term to expire August 1, 2012 (60 days: 11/7/09).
PROGRAMS & SERVICES APPROVED 4-0 (Baker, Brandel and Parker not voting)

Appointment by His Honor the Mayor

- #254-09 LYNNE SULLIVAN, 74 Fountain Street, West Newton, appointed as a Trustee of the NEWTON HISTORY MUSEUM AT THE JACKSON HOMESTEAD for a term to expire February 1, 2010 (60 days: 11/7/09).
PROGRAMS & SERVICES APPROVED 5-0 (Baker and Parker not voting)

Re-appointment by His Honor the Mayor

- #255-09 JOHN MORGANTI, 26 Lewis Street, Newton, re-appointed as a Trustee of the NEWTON HISTORY MUSEUM AT THE JACKSON HOMESTEAD for a term to expire February 1, 2012 (60 days: 11/7/09).
PROGRAMS & SERVICES APPROVED 4-0-1 (Johnson abstaining; Sangiolo and Merrill not voting)

Re-appointment by His Honor the Mayor

- #256-09 CAROL ANN SHEA, 324 Walnut Street, Newtonville, re-appointed as a Trustee of the NEWTON HISTORY MUSEUM AT THE JACKSON HOMESTEAD for a term to expire July 1, 2012 (60 days: 11/7/09).
PROGRAMS & SERVICES APPROVED 4-0-1 (Johnson abstaining; Sangiolo and Merrill not voting)

Re-appointment by His Honor the Mayor

- #257-09 LANE SOFMAN, 336 Lexington Street, Auburndale, re-appointed as a Trustee of the HORACE COUSENS INDUSTRIAL FUND for a term to expire June 1, 2012 (60 days: 11/7/09).
PROGRAMS & SERVICES APPROVED 4-0-1 (Johnson abstaining; Sangiolo and Merrill not voting)

Re-Appointment by His Honor the Mayor

#229-09 PETER KASTNER, 49 Woodbine St., Newton, MA, re-appointed as an *alternate member* of the PARKS & RECREATION COMMISSION for a term to expire on January 1, 2012 (60 days: 10/09/09) [07/20/09 @ 10:24 AM]
PROGRAMS & SERVICES APPROVED 4-0-1 (Johnson abstaining; Sangiolo and Merrill not voting)

Re-Appointment by His Honor the Mayor

#230-09 JACK NEVILLE, 68 High St., Newton, MA, re-appointed as an *alternate member* of the PARKS & RECREATION COMMISSION for a term to expire on April 1, 2012 (60 days: 10/09/09) [07/20/09 @ 10:24 AM]
PROGRAMS & SERVICES APPROVED 4-0-1 (Johnson abstaining; Sangiolo and Merrill not voting)

Re-Appointment by His Honor the Mayor

#231-09 PETER JOHNSON, 121 Fairway Drive., Newton, MA, re-appointed as a member of the PARKS & RECREATION COMMISSION for a term to expire on January 1, 2012 (60 days 10/09/09) [07/20/09 @ 10:24 AM]
PROGRAMS & SERVICES APPROVED 4-0-1 (Johnson abstaining; Sangiolo and Merrill not voting)

#95-09 TOM SHEFF requesting the Board of Aldermen appoint an advisory committee made of up persons who are not elected officials to review the daily processes of the Board of Aldermen and report recommended efficiency improvements to the Board of Aldermen. [03/26/09 @8:34 pm]
HELD and REFERRED TO LONG RANGE PLANNING 4-0 (Baker, Brandel and Parker not voting)

#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]
PROGRAMS & SERVICES NO ACTION NECESSARY 5-0 (Merrill and Sangiolo not voting)

#259-09 ALD. LINSKY requesting placement of a non-binding referendum on the November 3, 2009 general election ballot, in accordance with the provisions of GL Chapter 53, §18A, to support the resolution approved by the U.S. Conference of Mayors calling on the President to commence negotiations on a verifiable treaty for the elimination of nuclear weapons.
PROGRAMS & SERVICES APPROVED 5-0 AS A RESOLUTION TO PRESIDENT OBAMA (Merrill and Sangiolo not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, September 9, 2009

NOTE: The Committee recommended an emergency preamble with the following item, which will require a separate two-thirds vote by the Board.

#236-09 JOHN F. FANTASIA, 337 California Street, Newton 02458, petitioning for a common sewer main to be constructed in CALIFORNIA STREET from the existing sewer manhole located approximately 200' east of the intersection of Chapel Street and California Street westerly 460' ± to a proposed manhole in California Street. (Ward 1) [07/15/09 @ 12:40 PM]
PUBLIC FACILITIES APPROVED 7-0 (Lennon not voting)
APPROVED WITH EMERGENCY PREAMBLE

REFERRED TO FINANCE COMMITTEE

Monday, September 14, 2009

#240-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend twenty-four thousand, three hundred dollars (\$24,300) from Receipts Reserved Fund for appropriation for the purpose making a grant for the rehabilitation of the Warren House. [08/04/09 @ 4:28 PM]
FINANCE APPROVED 4-0 (Johnson not voting)

#266-09 HIS HONOR THE MAYOR requesting authorization to establish and expend from a revolving fund of up to fifty thousand dollars (\$50,000) funds anticipated from the Centers for Disease Control and Prevention for H1N1 influenza control. [08/31/09 @ 9:41 AM]
FINANCE APPROVED 4-0 (Johnson not voting)

#266-09(2) HIS HONOR THE MAYOR in accordance with Section 2-9 of the Newton City Charter declaring docket item #266-09 to be an emergency measure, necessary to protect the health and safety of the people and property of the City of Newton. [08/31/09 @ 9:41 AM]
FINANCE APPROVED 4-0 (Johnson not voting)

Re-appointment by His Honor the Mayor

#265-09 BERNARD J. GOULDING, JR., 80 Brookside Avenue, Newtonville, re-appointed as a Constable for a term to expire July 1, 2012. [08/07/09 @ 2:23 PM]
FINANCE APPROVED 4-0 (Johnson not voting)

- #267-09 HIS HONOR THE MAYOR requesting a transfer of three thousand dollars (\$3,000) from payroll account in Purchasing Department to temporary help. This transfer will allow the Purchasing Department to temporarily hire a retiring school department employee while two staff are on maternity leave over the remainder of the calendar year. [08/31/09 @ 9:40 AM]
FINANCE APPROVED 4-0 (Johnson not voting)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 1 NAY (ALD. PARKER), TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

- #219-06 ALD. PARKER, MANSFIELD, HESS-MAHAN & FISCHMAN requesting discussion of an ordinance to require builders of large new structures and/or major expansions of existing structures to use natural plantings to screen the view of those structures from any abutting residences.
ZONING & PLANNING NO ACTION NECESSARY 6-0 (Ciccione not voting)
- #347-07 ALD. PARKER, SANGIOLO, VANCE requesting an amendment to **§30-20, Signs and other advertising devices.**, to bring the ordinance into compliance with court ruling regarding the protection of free speech as it applies to signs expressing opinions.
ZONING & PLANNING NO ACTION NECESSARY 6-0 (Ciccione not voting)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 0 NAYS, 1 EXCUSED (ALD. SANGIOLO), TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEM:

- #268-09 HIS HONOR THE MAYOR requesting authorization to accept and expend two grants to the Senior Services Department. The first grant is fifty-five thousand dollars (\$55,000) to provide case management, housing relocation and stabilization services as awarded by the Planning Department of the Jewish Family and Children Services as the lead agency. The second grant is a Title III Federal grant provided by Springwell of eight thousand dollars (\$8,000) to provide Home Contractor Referral Services. [08/31/09 @ 9:40 AM]
FINANCE APPROVED 4-0 (Johnson not voting)

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:***Public Hearing assigned for October 20, 2009:***

#172-98(2) WALCOTT CORPORATION petition to amend SPECIAL PERMIT/SITE PLAN APPROVAL #172-98 by increasing the number of seats in an existing restaurant from 74 to 100 seats and to waive ten additional parking spaces at 118 NEEDHAM STREET, Ward 5, NEWTON UPPER FALLS, on land known as Sec 83, Blk 12, Lots 3, 4, 5, and 6, in a district zoned MIXED USE 2. Ref: 30-24, 30-23, 30-13(e)(12), 30-19(c)(2), 30-19(d), 30-19(m) of the City of Newton Rev Zoning Ord, 2007 and special permit #172-98)

Public Hearing assigned for October 20, 2009:

#272-09 HERRICK ROAD REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to erect at 39 HERRICK ROAD, Ward 6, NEWTON CENTRE (Lot 7) a 3-story mixed-use building containing 4 dwelling units and ground floor commercial space with a 75-seat restaurant, with underground parking and associated parking waivers (allow 1¼ parking spaces per housing unit; allow off-street parking facilities to be located on a separate lot; waive 9 parking spaces; waive 3 bicycle parking spaces; allow frontage to be measured along a public footway) and to construct a retaining wall greater than 4 feet within the rear/side setbacks and waive 18 existing parking spaces on Lot 7 Herrick Road, on land known as Sec 61, Blk 35, Lots 6 and 7, in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-19(d)(2), (8), (9), 30-19(f)(1), (2), 30-19(k), 30-19(m), 30-15(b)(2), 30-15 Table 3, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing assigned for October 20, 2009:

#273-09 YOUNG INVESTMENTS, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NON-CONFORMING STRUCTURE to demolish an existing single-family dwelling and replace it with four attached dwelling units with associated parking waivers (handicapped stall; width of maneuvering aisle, driveway width) and construct a retaining wall greater than 4 feet within the side setback at 244 CALIFORNIA STREET, Ward 1, NONANTUM, on land known as Sec 11, Blk 8, Lot 6, containing approx 7,200 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(h)(2)c), 30-19(h)(3), (4)(a), 30-19(m), 30-15 Table 3, 30-11(d)(8), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing assigned for October 7, 2009:

#280-09 20 DRUMLIN ROAD REALTY TRUST petitioning for a common sewer main to be constructed in DRUMLIN ROAD from the existing sewer manhole in Drumlin Road 140' ± in a northeasterly direction to a proposed manhole in Drumlin Road. (Ward 8) [09-09-09 @ 3:28 pm]
PETITIONER TO PAY ENTIRE COST

Public Hearing assigned for October 7, 2009:

#281-09 VERIZON COMMUNICATIONS petitioning for a grant of location to install and maintain 1068' ± of 1^{3/4}" micro duct and hand holes in the south side of BIGELOW ROAD from Pole #75 northerly and thence northeasterly on ESTABROOK ROAD to five new hand holes (24" x 36") which will be located in front of 120 Bigelow Road, 9, 10, 19 and 24 Estabrook Road to provide new FIOS service.

Public Hearing assigned for October 7, 2009:

#282-09 VERIZON COMMUNICATIONS petitioning for a grant of location to install and maintain 800' ± of 1^{3/4}" micro duct and hand holes in the south side of ALDERWOOD ROAD to four new hand holes (24" x 36") which will be located in front of 19, 20, 33 and 34 Alderwood Road to provide new FIOS service.

Public Hearing assigned for October 7, 2009:

#283-09 VERIZON COMMUNICATIONS petitioning for a grant of location to install and maintain 595' ± of 1^{3/4}" micro duct and hand holes in the south side of MONADNOCK ROAD to four new hand holes (24" x 36") to be located in front of 106, 112, 121 and 129 Monadnock Road and also on the northerly side of HAMMOND STREET from existing Pole 14 place 1436' ± of 1^{3/4}" micro duct southerly onto TUDOR ROAD and thence turning westerly onto MONADNOCK ROAD to five new hand holes (24" x 36") which will be located at front of 11 and 27 Tudor Road and in front of 137, 150 and 155 Monadnock road to provide new FIOS service.