

REPORTS DOCKET

September 9: Programs & Services; PS&T; Public Facilities
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Tuesday, September 8, 2009
Newton City Hall
To be reported on
Monday, September 21, 2009

CITY OF NEWTON

IN BOARD OF ALDERMEN

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, September 14, 2009

Present: Ald. Harney (Vice Chairman), Ald. Baker, Lappin, Ciccone, Danberg, Swiston, and Linsky; absent: Ald. Yates

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).
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.
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.
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.
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.

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.

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.

APPROVED 7-0

#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).

NO ACTION NECESSARY 6-0 (Ciccione 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.

NO ACTION NECESSARY 6-0 (Ciccione 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]

NO ACTION NECESSARY 6-0 (Ciccione 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.

NO ACTION NECESSARY 6-0 (Ciccione 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.

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.

NO ACTION NECESSARY 6-0 (Ciccone not voting)

#345-07 ALD. BURG, VANCE, HESS-MAHAN, SALVUCCI, DANBERG requesting revision of the special permitting process for signs.

NO ACTION NECESSARY 6-0 (Ciccone 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.

NO ACTION NECESSARY 6-0 (Ciccone not voting)

#287-01 ALD. SANGIOLO proposing an ordinance to require a permitting process for the construction of parking lots.

NO ACTION NECESSARY 6-0 (Ciccone not voting)

**REFERRED TO PROG. & SERV., ZONING & PLANNING, PUB. FACIL.,
PUB. SAFETY AND FINANCE COMMITTEES**

#273-08 ALD. JOHNSON proposing a RESOLUTION 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.

NO ACTION NECESSARY 6-0 (Ciccone 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.

NO ACTION NECESSARY 6-0 (Ciccone not voting)

- #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.
NO ACTION NECESSARY 6-0 (Ciccone 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.
NO ACTION NECESSARY 6-0 (Ciccone 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.
NO ACTION NECESSARY 6-0 (Ciccone 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.
NO ACTION NECESSARY 6-0 (Ciccone not voting)
- #103-09 ALD. MANSFIELD & PARKER proposing amendments to Chapter 30 to update criteria and regulations pertaining to development in Mixed Use Zoning Districts.
HELD 6-0 (Ciccone not voting)

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, September 9, 2009

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

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).
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).
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).
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).
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).
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]
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]
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]
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]
NO ACTION NECESSARY 5-0 (Merrill and Sangiolo not voting)
- #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]
HELD 6-0 (Sangiolo not voting)
- REFERRED TO PROGRAM & SERVICES AND FINANCE COMMITTEES**
- #233-09 ALD. JOHNSON AND LINSKY requesting a discussion to increase fine to the maximum level for dogs not having a current license. [07/13/09 @ 7:26 PM]
APPROVED 5-0 (Merrill and Sangiolo not voting)
FINANCE TO MEET
- #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]
HELD 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.
APPROVED 5-0 AS A RESOLUTION TO PRESIDENT OBAMA (Merrill and Sangiolo not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, September 9, 2009

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

#261-09 ALD. JOHNSON requesting a review of the City of Newton Ordinances Chapter 24, Sections 26–34 Alarm System Regulations to more clearly express the fines and penalties to residential and commercial property owners for false alarms. [08/19/09 @ 9:53 AM]

HELD 7-0

#234-09 ALD. FREEDMAN on behalf of Paul Rubin requesting consideration of additional on-street handicap parking spaces in village centers particularly Newton Centre. [02/11/09 @ 8:52 AM]

HELD 7-0

#263-09 ALD. BRANDEL & LINSKY requesting a discussion with the city traffic engineer and a representative of the management of the Avalon Bay apartment complex relative to the status of the traffic signal on Needham Street, including funding, application, the approval process, and an anticipated date for installation. [08/10/09 @ 8:34 AM]

HELD 7-0

REFERRED TO PS&T COMMITTEE by TRAFFIC COUNCIL on 10/23/08

#235-09 ALD. SANGIOLO, HARNEY & GENTILE on behalf of residents on TC2(2)-08 Wolcott Street requesting that the traffic control signal located at Wolcott and Lexington Streets be moved to a different location or removed altogether. (Ward 4)

HELD 6-0 (Fischman not voting)

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

HELD 6-0 (Fischman not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, September 9, 2009

Present: Ald. Schnipper (Chairman, Lennon, Albright, Salvucci, Gentile, Yates, Mansfield and Lappin

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] **APPROVED 7-0 (Lennon not voting)**

#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] **APPROVED SUBJECT TO 2ND CALL 7-0 (Albright not voting)**

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] **APPROVED 5-1-1 (Lappin opposed; Mansfield abstaining; Albright not voting)**

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#11-09(2) HIS HONOR THE MAYOR requesting authorization to appropriate and expend three million, eight hundred thirty-nine thousand dollars (\$3,839,000) from bonded indebtedness for the reconstruction of Fire Station # 7. [08/04/09 @ 4:29 PM] **APPROVED 5-0-1 (Gentile abstaining; Mansfield and Albright not voting)**
FINANCE TO MEET

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#196-07(5) HIS HONOR THE MAYOR requesting authorization to appropriate and expend an additional one hundred twelve thousand, four hundred dollars (\$112,400) from bonded indebtedness for the rehabilitation of Fire Station #4. [08/04/09 @ 4:28 PM] **APPROVED 7-0-1 (Gentile abstaining)**
FINANCE TO MEET

#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 8-0

REFERRED TO FINANCE COMMITTEE

Monday, September 14, 2009

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

#269-09 COMPTROLLER submitting FY2009 Budgetary Basis Annual Financial Report. [09/01/09 @ 4:45 PM]

HELD 5-0

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

APPROVED 4-0-1 (Gentile abstaining), SUBJECT TO 2ND CALL

#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]

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]

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]

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]

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]

APPROVED 4-0 (Johnson not voting)

#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]

APPROVED 4-0 (Johnson not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE

COMMITTEES

#87-09 ALD. SANGIOLO, BRANDEL, FREEDMAN AND HESS-MAHAN requesting a Home Rule Petition to allow the City of Newton to require elected officials to contribute a higher percentage rate for health insurance benefits than is required for other employee groups. [03-10-09 @ 9:17 AM]

PROGRAM AND SERVICES APPROVED 5-1-1 (Baker opposed; Merrill abstaining; Parker not voting) on 04-15-09

HELD 4-0 (Johnson not voting)

#354-08 ALD. COLETTI requesting monthly report on cash and receivable reconciliations by Treasurer and status of Consultant work in Treasurer's Office. [09-30-08 @ 1:54 PM]

HELD 4-0 (Johnson not voting)

#352-08 ALD. COLETTI requesting discussion monthly reports from the Chief Budget Officer and Comptroller on the status of the Health Insurance Trust Fund. [09-30-08 @ 1:54 PM]

HELD 4-0 (Johnson not voting)

#349-08

ALD. COLETTI requesting discussion on preparation and submission of a new Capital Improvement Plan by the Executive Office. [09-30-08 @ 1:54 PM]

HELD 4-0 (Johnson not voting)