

CITY OF NEWTON  
IN BOARD OF ALDERMEN  
LAND USE COMMITTEE REPORT  
TUESDAY, DECEMBER 15, 2015

Present: Ald. Laredo (Chairman), Ald. Albright, Crossley, Lipof, Schwartz, Lennon, Harney, and Cote; also present: Ald. Baker, Fuller, and Rice  
Staff: Alexandra Ananth (Chief Planner for Current Planning), Daniel Sexton (Senior Planner), Robert Waddick (Assistant City Solicitor), Linda Finucane (Assistant Clerk of the Board)

Request for a Consistency Determination: to construct a small storage/shipping area for Splash at 230 Needham Street, for which the most recent special permit/site plan approval, #336-14, was granted on December 15, 2014.

NOTE: Splash, a kitchen and bath showroom, wishes to enclose a 120 square-foot space, which is currently a covered “patio,” to create a storage area for receiving and shipping. There is no expansion of retail space. The committee agreed with the Planning Department that the proposal to enclose the space is not a material change from the approvals granted under the previous special permit(s).

*Item Recommended by Full Board on December 8, 2015:*

#180-15      EIGHTH RUN, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to add two dwelling units to an existing 1½-story single-family dwelling, which will involve removing historically insignificant additions and relocating the existing dwelling, ~~and to exceed the maximum lot coverage, locate parking within 20 feet of a side lot line, and locate a driveway within 10 feet of a side lot line at 28 SUMNER STREET, Ward 7, Newton Centre, on land known as SBL 73, 48, 21, containing approximately 21,205 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(b)(5)a, and b), 30-15 Table 1, 30-19(m), of the City of Newton Rev Zoning Ord, 2012.~~  
LAND USE COMMITTEE APPROVED 7-0-1 (Laredo abstaining) on NOVEMBER 17, 2015

ACTION:      APPROVED 6-0-1 (Laredo abstaining; Cote not voting)

NOTE: Alderman Baker had asked that this item be recommitted so the petitioner could meet with the abutters on the adjacent property at 18-20 Sumner Street to try to resolve their concerns about the proposed driveway which, although it was moved to allow 10 feet between their lot line and the petitioner’s proposed driveway, still remained a point of contention. There were several meetings which resulted in the reorientation of the two garage doors of proposed Unit 2 to face the street rather than the proposed driveway. In addition, the driveway entrance has been shifted southerly and the driveway is now curved, which softens the view of the length of the proposed driveway and garage and expands the amount of green/open space at the northwesterly corner of the property immediately next to the street to allow the addition of a tree and several small evergreen shrubs. These modifications minimize the impact on the abutting property at 18-20 Sumner Street and improve the streetscape. The proposed garage doors of Unit 2 will be approximately 19 feet further away from the street than the previously-approved three-car garage

proposal. The petitioner has agreed to install garage door openers with "quiet" technology for all three garages, which will be included as a condition in the special permit. Mr. Lee reported that the abutter at 5 Alden Street, directly across the street, is amenable to either the previously-approved configuration or the proposed.

The Chairman believes that going from side facing and to front facing is a substantive change. Alderman Schwarz said this issue was raised, but Alderman Albright recollected and Mr. Sexton confirmed that the Historical Commission recommended the side orientation in order to minimize the impact on the existing historic dwelling. Mr. Sexton noted that, although the Preservation Planner still believes this configuration detracts from the historic dwelling, the demolition delay has expired. Alderman Schwarz was happy to hear a compromise supported by abutters.

Alderman Lipof said he has a fundamental issue with doing business this way. Alderman Crossley shares his concern. This is an open public process, the Committee's charge is to take as objective point of view as possible; unfortunately, doing business this way creates a long, circular, repetitive process. Personally, she has no problem with either design, as this is one of the best projects of this type she has seen in her six years on the Board.

Alderman Baker appreciated the concerns expressed by committee members. He and the petitioner contacted the principal abutters, who although they had concerns about the additional unit, were very concerned about the orientation of the driveway and garages. His purpose in asking for recommitment was to reach a practical resolution.

The Chairman wanted to know if the modifications increase the amount of impervious surface on the site. What about lot coverage and open space? Ms. Ananth said that the change only affects the amount of open space, which in this district is a minimum of 50%. Although there was no time to produce an engineered site plan, there is a requirement in the draft special permit that a new plan to confirm that the open space requirement is met be submitted. Mr. Lee said the previous site plan showed approximately 2,000 square feet to play with and remains confident that the modified plan meets the requirement as well. When asked her professional opinion, Ms. Ananth said this is a compromise that represents an effort to meet concerns of neighbors. The driveway length has been reduced, it has moved more towards the center of the site, the curve softens the effect, the proposed tree and shrubs will contribute towards softening the streetscape, and the Planning Department supports it.

Alderman Lennon pointed out that the item was recommitment on a voice vote with a clear understanding, at least on his part, that Alderman Baker would meet with the abutters most affected and the petitioner to try to broker a mutually acceptable resolution. He noted that a motion to recommit is debatable and suggested this be kept in mind going forward.

Alderman Fuller asked Mr. Lee if he had notified everyone who signed the petition opposing the project of the modified site plan. If not, she suggested he attempt to do so.

The motion to approve the petition with the modified plan carried 6-0-1, Alderman Laredo abstaining and Alderman Cote not voting. The only changes to the draft special permit are plan references, the findings and conditions remain the same.

*A Public Hearing was opened and continued on October 13 and closed on November 17:*

#229-15 LINDA BRENNAN & ROBERT H. LEE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a SPECIAL PERMIT to construct a detached structure for an accessory apartment accessory to a single-family dwelling at 28 ORCHARD AVENUE, Ward 5, WABAN, on land known as SBL 54, 10, 1, containing approximately 19,850 square feet of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-8(d)(2) of the City of Newton Rev Zoning Ord, 2012.

ACTION: MOTION TO APPROVE FAILED TO CARRY 4-4 (Albright, Crossley, Harney, Schwarz voting in the affirmative; Cote, Laredo, Lennon, Lipof opposed)

NOTE: October 13:

Present: Ald. Laredo (Chairman), Ald. Albright, Cote, Crossley, Harney, Lennon, Lipof, and Schwartz; Ald. Fuller, Rice, Brousal-Glaser

The petitioners are seeking a special permit to allow an accessory apartment in a detached accessory structure accessory to a single-family dwelling. The subject site is improved with a single-family dwelling built in 1840 and a detached two-car garage built in 1921. The existing dwelling is constructed on the highest portion of the site with a grade that slopes downwards towards the westerly property line. The driveway is on the northern side of the property. The petitioners' site has frontage on both Orchard Avenue and Mayflower Terrace. The petitioners propose to locate a 1½-story dwelling in the southeast corner of the site back from Mayflower Terrace with access from the frontage on Mayflower Terrace, a short street with 6 houses which dead ends at their property.

The committee agreed the proposed dwelling is very attractive. However, it noted neighbors' concerns about the proposed access from Mayflower Terrace with room for two cars. The petitioners said that given the topography of the site providing access from Orchard Avenue would be difficult and very costly. There is a serious drop in grade and it would involve a lot of infill grading. The petitioners do not believe that the addition of two cars traversing Mayflower Terrace will create a significant increase in traffic. In discussions, the Engineering Division and the Planning Department agreed that given the topography the entire site would also have to be modified to accommodate drainage from other properties. Alderman Rice reported that he had met with the petitioners and neighbors. Most neighbors are opposed because of safety concerns and snow which the city currently plows to the end of Mayflower Terrace onto the petitioners' property.

#### *Public Comment*

Chris Duggan, 17 Mayflower Terrace, said the location of the proposed driveway will conflict with his driveway. There are only four driveways on the extremely narrow street. This proposal although it may be in the letter of does not seem in the spirit of the law.

Kevin Duff, Niles Road, a 30-year resident, is concerned about snow removal, storage, and an existing fire hydrant. This could be a safety hazard.

Steve Kasten, 16 Niles Road, said this is a dead end street. Snow is a problem every winter, not just last year. He has been told by the plow drivers that there is no place else to put the snow but at the end of Mayflower Terrace.

Attorney Ronald Stone, Catanzaro & Allen, Ashland, represented the Franchi family at 44 Orchard Avenue, who are opposed. Mr. Allen submitted a letter this evening and several subsequent letters from his firm, all of which are on file in the office of the Clerk of the Board.

Bob Carter, 19 Orchard Avenue, supports the project. He also would have no problem if the driveway is located off of Orchard Avenue. This is an open lot of land owned by the petitioners.

Steve Guilette, 29 Brewster Road, suggested the driveway be moved to Orchard Avenue. He too is concerned about the snow and the ability of a fire truck to navigate the street.

Jeremy Younkin, 11 Mayflower Terrace, opposes the petition. He submitted a photograph of snow piled at the end of Mayflower Terrace last winter.

Grace Chi, 10 Niles Road, said that Niles Road, Brewster Road, and Mayflower Terrace are all dead end streets. They specifically chose to live there because of that.

Lee Barnes, 5 Mayflower Terrace, said the petition is impractical and unnecessary.

Maria San Filippo, 14 Mayflower Terrace, directly across from the Duggan's, said the snow is a nightmare. Leave it as a dead end.

Jay Bolan, 38 Brewster Road, is opposed. It is a safety issue.

Greg Reibman, 10 Mayflower Terrace, suggested the driveway be placed off of Orchard Avenue.

Marshall Burlingame, 20 Orchard Avenue, spoke in favor of the petition. Many cul-de-sacs have houses at the end. Currently the city dumps snow onto the petitioners' property. The petitioners are terrific neighbors. Generations of children have lived on these streets without danger from driveways. There has to be give and take.

Paul Cullen, 32 Brewster, is opposed. The streets are all too narrow. Go through Orchard Avenue instead. It is not impossible. It may be more costly, but children's safety and snow are factors

Linda Brennan, one of the petitioners, said they have lived in Newton for 40 years, 28 of them on Orchard Avenue. They wish to build the accessory structure for their family. Her daughter is a social worker and her son-in-law works for the city. They have two children, one of whom has serious health issues. They started this process a year ago and have modified the plans in

response to suggestions made by the Planning Department. The proposed structure is 1150 square feet: 696 square feet on the first floor and 454 square feet in the half-story above. The remaining 696 square-foot basement level will be used for storage and mechanicals.

Jackie Washington, Ms. Brennan's daughter, pointed out that the city would have to remove the snow if there was a driveway at the end of Mayflower Terrace.

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#### November 17

Present: Ald. Laredo (Chairman), Ald. Lipof, Cote, Crossley, Albright, Schwartz, Lennon, and Harney; also present: Ald. Sangiolo, Rice, Brousal-Glaser, Gentile, Fuller, and Baker

The Planning Department reported that the Director of Operations for the DPW confirmed that if a driveway were to be created at the end of Mayflower Terrace, the city would have to change its approach to plowing the street. The Transportation Division of the DPW indicated that development of a new driveway access with two additional vehicles should have a negligible impact on traffic volume and capacity of the area's streets. Mayflower Terrace is 24 feet wide. Also, since this residential neighborhood is built-out, the potential for any serious hazard to pedestrians from two additional vehicles is minimal. However, it was suggested that the petitioners consider constructing a sidewalk segment linking the two existing sidewalks on either side of Mayflower Terrace at the end of the street to improve pedestrian circulation. The petitioners believe the neighborhood will benefit because the city will have to plow the snow.

The petitioners are proposing to modify the site plan by reducing the number of on-site parking stalls from two to one and by decreasing the amount of hardscape (patio, walkway, and parking) on the site. The Planning Department believes these modifications help to subordinate the proposed accessory structure to the principal dwelling.

#### *Public Comment:*

Merrill Barnes, 5 Mayflower Terrace, has three sons and no usable yard. Her children play in the street. She is afraid that cars exiting the proposed driveway will have to execute a 5-point turn.

Amy Montague, 14 Brewster Road, is opposed.

David Favazza, 10 Niles Road, has significant safety concerns about a 5-point turn, DOT standards, etc.

#### *People who spoke in opposition on October 13 and again this evening:*

Chris Duggan, 17 Mayflower Terrace – said the driveway is perpendicular to street, far away from main house, like a second lot

Jeremy Younkin, 11 Mayflower Terrace – eliminate the Mayflower Terrace driveway - traffic/parking serious issues

Steve Guilette, 29 Brewster Road – creating a subdivision, not an accessory structure, put driveway on Orchard Terrace. Drainage and water can be rectified.

Greg Reibman, 10 Mayflower Terrace – neighbors have been mischaracterized

Steve Kasten, 16 Niles Road – fundamental question of convenience for petitioners – there are other ways to keep family in neighborhood

Maria San Filippo, 14 Mayflower Terrace – this has nothing to do with not wanting them – it has been a dead end for years – she already has 7 trash bags in front of her house and will have 2 more.

Bob Carter, 19 Orchard Avenue, who spoke on October 13, continues to support the project.

John Castellot, Albion Place, has known the petitioners for 40 years and is shocked at the inaccurate and illogical statements he has heard. The city has looked at the safety and snow concerns. These are specious objections. As someone who has taught ethics at Tufts and Harvard, he suggests that people who will not accept evidence should either embrace the evidence or be honest about what really bothers them.

Ms. Washington, the petitioners' daughter, whose family hopes to occupy the proposed accessory apartment, cited the Mayor's statements supporting diverse housing options, including accessory apartments. Initially, the objections were about snow and traffic, but those issues have been addressed. She reported that some racially-tinged comments had been made about her family. The Chairman unequivocally declared that this committee and Board of Aldermen only looks at the merits of a project.

Alderman Rice reported that he had met with the petitioners and neighbors. Moving the driveway to Orchard Avenue would remove significant opposition.

Alderman Albright appreciated the good faith efforts, but there are significant problems moving the driveway to Orchard Avenue. Mr. Sexton said it is possible, but the substantial fill and substantial alteration v. the Mayflower Terrace location, make the Mayflower option preferable. Mr. Sexton pointed out that it is possible for the petitioners to construct a by-right addition and seek a curb cut permit from the DPW. The petitioners want a new driveway that is as flat as possible. Accessing the proposed structure from Orchard Avenue involves an elevation of 87-90 feet, over which a walkway would have to be constructed to provide access to the new structure.

Alderman Schwartz asked whether it was such a burden to allow parking for two vehicles. Other people have to access the driveway. Although the proposed structure seems more like a house than an apartment, if the parking issues can be addressed, it seems to be solvable. Alderman Harney and Cote agreed. Other members were not as optimistic, vehicles backing out are a valid concern. The committee wanted to know if the proposed driveway can accommodate a functional turn around without creating an additional parking space and whether vehicles can be maneuvered on the street without encroaching on the sidewalk or the abutter's driveway.

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This evening, the committee reviewed a revised site plan, which was attached to the Planning Department Memorandum of December 11, 2015. The redesigned parking area accommodates two vehicles and their turning movements. It also eliminates the need for vehicles exiting the parking facility to make turning movements in the street or use adjacent driveways. The petitioners have supplemented plantings around the parking area to minimize the visual impact. The petitioners have agreed to construct a sidewalk segment linking the two existing sidewalks on either side of Mayflower Terrace at the end of the street to improve pedestrian circulation and

to further define the abutter's driveway. There was a suggestion that the city consider obtaining some type of access easement to store snow on the petitioners' property; however, it was pointed out that this is not a viable solution.

Alderman Crossley and Alderman Rice met with the petitioners. Options are a by-right addition, which could have a driveway off of Mayflower Terrace or from Orchard Avenue. The downside to Orchard Avenue is the grade, the long distance (issue of accessibility) to the proposed accessory structure, and the cost. The objective is to provide safe egress, whether for one or two vehicles, and the city's snow operations. In addition, one abutter has a narrow driveway and fears the proposed driveway will conflict with his driveway.

Alderman Schwartz wanted to confirm that an accessory apartment is allowed in a new structure and that the driveway at the end of the property as opposed to the side is allowed. Mr. Waddick said that the ordinance does not prohibit a new structure, it is discretionary. And, yes, a driveway can be located other than to the side of a structure.

There was some discussion about whether or not the connecting sidewalk segment was necessary. Mr. Sexton said the petitioners had offered to install the sidewalk for pedestrian safety and to provide a buffer from the nearest abutter's driveway. Also, the addition of granite curbing will direct runoff into the catch basin at the corner of the property.

The Chairman said he will vote against the petition. It makes no sense to locate a driveway at the end of the street and not solve the snow problem. He also shares the concern about the accessory apartment which does not strike him as "accessory." It is basically a subdivision. He went on to address certain allegations that the process has been tainted by some kind of prejudice and again emphasized that the project is judged by the Board on its merits.

Alderman Harney said it is a large lot and the proposal is allowed by special permit, so there should be a way to solve the snow problem. Alderman Lipof pointed out that there are many cul-de-sacs in the city and the city deals with the snow.

Robert Lee, one of the petitioners, said that their grandson has brittle bone disease which is the reason they are seeking a flat parking area on Mayflower Terrace. It is the safest, most reliable location with direct access to the house. Parking near the main house, particularly in winter, is dangerous because of the grade and they would have to construct a walkway and possibly stairs to access the new structure. He and his wife hope to remain in the main house for at least another 10 years, but they have to face reality of navigating the slope in winter as well.

Although the Planning Department continues to believe the petitioners should eliminate one parking stall, it also believes the petitioners have responded to all the concerns raised and it is supportive of the petition.

Alderman Crossley moved approval of the petition with the findings and conditions in draft special permit #229-15, dated December 15 2015, which motion failed to carry 4-4 (Albright, Crossley, Harney, Schwarz voting in the affirmative; Cote, Laredo, Lennon, Lipof opposed)

Please note that a number of communications from the speakers were received and distributed to the Board, all of which are on file in the office of the clerk of the Board

**N.B. An email from the petitioners requesting to withdraw the petition without prejudice was received on December 17.**

*A Public Hearing was opened, continued on October 13, and November 17:*

#231-15      CARTHAY INVESTMENT LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND and ALTER a NONCONFORMING USE in order to construct four attached dwellings in two new 2½-story structures and extend a nonconforming side setback at 5-7 and 9-11 CARTHAY CIRCLE, Ward 6, Newton Highlands, on land known as SBL 54, 22, 8A and 9, containing 7,130 and 7,980 square feet of land, respectively, in a district zoned BUSINESS 2. Ref: 30-24, 30-23, 30-21(b), 30-15 Table 3, of the City of Newton Rev Zoning Ord, 2012

ACTION:      HEARING CLOSED; APPROVED 7-0-1 (Lennon abstaining)

NOTE:      The petitioner is proposing to demolish the existing structures (one two-family at 5-7 Carthay Circle and one single-family at 9-11 Carthay Circle) and construct two 2-family dwellings one on each lot. The existing and proposed uses are nonconforming because the sites are located in a Business 2 zoning district. The petitioner is requesting relief to extend the nonconforming residential use and for relief from dimensional requirements. The proposed dwellings will be approximately 3,500 square feet per unit including a single-car garage for each unit. The second parking stall will be provided outside each garage. The floor area includes approximately 1,000 square feet in the basement, which if removed would result in a floor area of approximately 2,500 square feet.

Both sites have considerable grade changes, particularly 9-11, which slopes down towards the northwest corner of the site and results in a significant portion of the basement being at grade. The Planning Department has requested a calculation of the grade plane average from the petitioner to confirm the proposed height and stories for each of the structures. The site plan conforms to all the required setbacks except the existing nonconforming side setbacks at 9-11, which the petitioner propose to maintain.

The Planning Department does not have any concerns with the proposed extension of the residential use, as it is an appropriate transition into the surrounding residential neighborhood rather than a by-right commercial or mixed-use project. However, Planning is concerned with the size and height in comparison to the other structures on Carthay Circle. The Floor Area Ratio (FAR) is approximately .8, which meets the maximum allowable FAR in the BU2 district, but is greater than the by-right FAR (approximately .53) allowed in the adjacent Multi-Residence 1 district.

Alderman Crossley commented on the proposed design. It has somewhat of a commercial character with the garages protruding in the front. She suggested they be made subservient to the building. There also appears to be a lot of impervious surface. She wanted to take a look at the neighborhood.



Aldermen Schwartz and Lennon suggested the petitioner take a look at the size and scale. They were also concerned about the 14-foot slope from the front to the back of the site.

*Public Comment*

Ronna Krozy, 14 Carthay Circle, is concerned about the impact on the quality of life. Carthay Circle is a small cul-de-sac with lots of traffic and minimum open space. She needs to have a better sense of what this will look like.

Rochelle Acker, 923 Walnut Street, is concerned about commercial development. The scale should match and integrate with the existing neighborhood.

Vivek Pandit, 23 Carthay Circle, asked if there is more information available. Is the petitioner operating in a vacuum? This is a neighborhood of small lots.

Elizabeth Gray, 20 Beaconwood Road, in winter when the trees are bare she already has a view of another large building.

The public hearing was continued and continued again without any discussion on November 17.

December 1

The petitioner held a neighborhood meeting on November 23. The meeting was attended by the Ward Aldermen and two residents of Carthay Circle and two residents of Walnut Street. The petitioner also spoke with another resident of Carthay Circle who was unable to attend the meeting. The Planning Department reported that overall the feedback on the project was generally positive. The petitioner submitted revised plans based on comments from the meeting and the Planning Department. The building height has been lowered by approximately two feet; additional architectural details are shown on the facades. The revised plans also show the proposed infiltration systems. However, the plans do not clearly show that the surface parking stalls are compliant and on their respective sites and whether there is adequate maneuvering aisle width. Also, the Planning Department has not yet received the calculation of the average grade plane. The hearing was continued to December 15.

December 15

The petitioner submitted revised plans with modifications that show there are four compliant parking stalls on each of the sites, with a total of four outdoor stalls between the two sites. A low retaining wall has been added to the site plan to support the exterior parking stalls. The retaining walls are shown as four feet, but will need to be adjusted to be less than four feet. The driveway slope which appears to be approximately 10% at the maximum allows for safe circulation on the site. The plans show a walkway from Carthay Circle to the front door of the units closest to the street.

The petitioner calculated the average grade plan to determine the height of the building, required side setbacks, and the Floor Area Ratio (FAR). Based on the calculation the basement level is

considered a story and all of its floor area will counts towards FAR. The inclusion of the floor area and the addition story do not result in additional relief.

Clarification of the average grade plane creates an issue with the required side setbacks which the petitioners are working to fix. The petitioner will make adjustments to the grade around the buildings and will shift the building by approximately two feet at 5-7 Carthay Circle, which will increase the average grade plane, reducing the building height and required side setback.

Modifications to the elevations include altering the window location and design on the front and side façade, enlarging the columns on the front porch, and enhancing the entrance facing Carthay Circle.

Alderman Schwartz moved approval with the findings and conditions in draft special permits 231-15(A) and (B) (one for each property for recording purposes), which motion carried 7-0-1, with Alderman Lennon abstaining because he wants to visit the site and review all the documents submitted with the petition.

*Hearing open and closed on November 17:*

#480-14     STEPHEN VONA petition to rezone 283 MELROSE STREET, also known as Section 41, Block 14, Lot 10, from MULTI RESIDENCE 1 to a MIXED USE 4 DISTRICT. **(90 Days: February 15, 2016)**

ACTION:     REFERRED TO 2016-2017 CITY COUNCIL

#480-14(3)     STEPHEN VONA petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to restore and expand an existing structure known as the Turtle Lane Playhouse with office space above, to provide a mixed use building with an addition containing 6 dwelling units at street level and above and a second building containing a 23-unit multi-family dwelling with a below grade parking garage for 30 cars at 283 MELROSE STREET, Ward 4, Auburndale, on land known as SBL 41, 14, 10 containing approximately 43,783 sf of land [currently zoned MULTI RESIDENCE 1] in a proposed MIXED USE 4 DISTRICT. Ref: Sec 30-24, 30-23, 30-13(h)(2) Table B, 30-13(j)(1),(2),(3), 30-15 Table 3, 30-15(w)(1) and (4) and (w)(6), 30-5(b)(4), 30-19(d)(2), and (d)(18), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

ACTION:     WITHDRAWAL WITHOUT PREJUDICE APPROVED 6-0 (Harney and Cote not voting)

#416-12(4)     MAIN GATE REALTY LLC petition to AMEND Special Permit/Site Plan Approval for a Change in Nonconforming Use #416-12(3), granted August 12, 2013, which limited two existing tenant spaces to office, low parking demand/turnover service, or retail uses, ~~in order to allow office and storage space in the basement~~ and to re-stripe an existing parking lot to create five parking stalls, where four currently exist, and to waive the dimensional requirements for the parking stalls at 242-244 COMMONWEALTH AVENUE, Ward 7, Chestnut Hill, on land known as SBL 61, 13, 11, containing approximately 7,452 sq. ft. of

land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(h)(2)a) and (m) of the City of Newton Rev Zoning Ord.

ACTION: WITHDRAWAL WITHOUT PREJUDICE APPROVED 6-0 (Harney and Cote not voting)

*A Public Hearing was opened and continued on September 10, continued on October 13 and October 20, November 17, when the hearing was CLOSED:*

#416-12(5) JULIA WILLIAMSON/WALLY ZAINOUN, MAIN GATE REALTY petition to AMEND Special Permit/Site Plan #416-12(3), granted on August 12, 2013, and to AMEND special permit application #416-12(4), for which a public hearing was opened on July 13, 2015, with respect to EXTENDING a NONCONFORMING USE, to permit more than 3 customers for the service use on site at any one time and change the hours of operation of MODERN BARRE at 242-244 COMMONWEALTH AVENUE, Ward 7, Chestnut Hill, on land known as SBL 61, 13, 11, containing approximately 7,452 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

ACTION: WITHDRAWAL WITHOUT PREJUDICE APPROVED 6-0 (Harney and Cote not voting)

*The following 2016 Auto License Renewals were approved 7-0 (Alderman Lipof not voting)*

- #241-15 CLAY NISSAN OF NEWTON INC.  
431 Washington Street  
Newton Corner 02458 (Class 1)
- #242-15 VILLAGE MOTORS GROUP, INC.  
d/b/a HONDA VILLAGE  
371 Washington Street  
Newton Corner 02458 (Class 1)
- #251-15 JACOB'S AUTO SERVICE  
1232 Washington Street  
West Newton 02465 (Class 2)
- #266-15 SAM'S AUTO CENTER  
875 Washington Street  
Newtonville 02460 (Class 2)
- #255-15 MOTOR CARS OF BOSTON, INC.  
(formerly MAVERICK MOTORS)  
1191 Washington Street  
West Newton 02465 (Class 2)
- #267-15 SONOMA CLASSICS LLC.  
1215 Chestnut Street/145 Wells Avenue  
Newton

**REFERRED TO ZONING & PLANNING, LAND USE & FINANCE COMMITTEES**

#273-12 ALD. CROSSLEY & HESS-MAHAN requesting a restructuring and increase in fees for permits charged by the Inspectional Services Department and fees charged by the Planning Department and City Clerk to assure that fees are both sufficient to fund related services provided and simple to administer.  
ZONING & PLANNING REFERRED TO 2016-2017 CITY COUNCIL 7-0 on 12/14/15  
FINANCE VOTED NO ACTION NECESSARY 7-0 on 12/14/15  
NO ACTION NECESSARY 7-0 (Lipof not voting)

**REFERRED TO LAND USE & FINANCE COMMITTEES**

#276-10 ALD. FULLER, CROSSLEY, DANBERG, LINSKY requesting a review of guidelines for mitigation fund provisions to maximize the use of such funds on behalf of the city together with mechanisms by which the city can better track such funds to ensure they are used in a timely fashion.  
FINANCE REFERRED TO 2016-2017 CITY COUNCIL 7-0 on 12/14/15  
NO ACTION NECESSARY 7-0 (Lipof not voting)

**REFERRED TO LAND USE AND FINANCE COMMITTEES**

#49-14 LAND USE COMMITTEE requesting discussion with the Chief Financial Officer and the Chief Information Officer regarding the critical need to implement technology which enables the development, management and use of shared, searchable, mobile-accessed (both read and write) database which contains parcel-based information that can be accessed by all city departments (including Planning, Inspectional Services (ISD), Assessing, Engineering, Fire, Police, Health), the Board of Aldermen and the community. This technology must support the work of ISD and other departments in both the office and the field to more effectively and efficiently monitor and enforce compliance with approved special permits and other related Board Orders.  
FINANCE REFERRED TO THE 2016-2017 CITY COUNCIL 7-0 on 12/14/15  
REFERRED TO 2016-2017 CITY COUNCIL 7-0 (Lipof not voting)

The meeting was adjourned at approximately 9:00 PM.

Respectfully submitted,

Marc C. Laredo, Chairman