



City Council Actions

In City Council

Tuesday, January 19, 2016

Present: Councilors Albright, Auchincloss, Blazar, Brousal-Glaser, Ciccone, Cote, Crossley, Danberg, Fuller, Harney, Hess-Mahan, Kalis, Lappin, Laredo, Leary, Lennon, Lipof, Rice, Schwartz and Yates

Absent: Councilors Baker, Gentile, Norton & Sangiolo

The City Council discussed and voted the following items on Second Call:

Referred to the Land Use Committee

#416-12(6) Petition to restripe existing parking lot to create 5 parking stalls, instead of 4 stalls
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 restripe an existing parking facility 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: 7.3, 7.4, 7.8.2.C.2, 5.1.7, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Hearing Closed; Approved as Amended 6-1

Motion to suspend the rules to allow the Chair of the Land Use Committee to Poll his Committee was Approved by Voice Vote

Land Use Approved the Withdrawal Without Prejudice of the waiver of the parking stall dimensional requirements 8-0

Motion to postpone the item until February 1, 2016 was Approved by Voice Vote

Clerk's Note: The petitioner requested to withdraw without prejudice their request for a waiver of the dimensional requirements of the parking stalls. The Land Use Committee voted to approve the withdrawal. The Board then voted to postpone this, and the following companion petition, until its meeting on February 1, 2016 to allow time for Council members to review the plans and the draft Council Order.

Referred to the Land Use Committee

#416-12(7) Amend special permit #416-12(3) to permit more than 3 customers on site
JULIA WILLIAMSON/WALLY ZAINOUN, MAIN GATE REALTY petition to AMEND Special Permit/Site Plan #416-12(3), granted on August 12, 2013, 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 7-3, 7-4 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Hearing Closed; Approved as Amended 6-1

Motion to postpone the item until February 1, 2016 was Approved by Voice Vote

Clerk's Note: The Board voted to postpone this, and the preceding companion petition, until its meeting on February 1, 2016 to allow time for Council members to review the plans and the draft Council Order.

The City Council voted without discussion 20 Yeas, 4 Absent (Councilors Baker, Gentile, Norton & Sangiolo) to take the following actions:

Referred to the Land Use Committee

January 12, 2016

#480-14 Petition to rezone 283 Melrose Street from MR-1 District to MU-4 District

Hearing open and closed on November 17:

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)

Withdrawal without prejudice Approved 6-0

#480-14(4) Petition to expand Turtle Lane Playhouse and construct second building for a mixed-use project

STEPHEN VONA petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to change one nonconforming use to another by restoring and expanding an existing structure known as the Turtle Lane Playhouse with office space above, to provide a mixed-use building with an addition containing 4 dwelling units at street level and above and a second building containing a 16-unit multi-family dwelling with a below grade parking garage for 27 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 *or in the alternative in a proposed* MIXED USE 4 DISTRICT. Ref: Sec. 7.3, 7.4, 7.8.2.C, 4.4.1, 4.2.2.B.1, 4.2.5.A.1, 4.2.5.A.6.b, 5.4.2, 5.1.4, 5.1.13, 5.1.4.C, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Hearing Continued to February 2, 2016; Held 6-0

- #326-15** **Petition to Increase seating at Bertucci's Restaurant**
BERTUCCI'S RESTAURANT CORPORATION/KNAPP FOOD INC. to AMEND Special Permit/Site Plan Approval #573-88 to increase the seating capacity from 129 to 170 seats and to waive up to three parking stalls at 275 CENTRE STREET, Ward 1, Newton Corner, on land known as SBL 71, 2, 1, 2, and 4, containing a total of 58,248 sf of land in districts zoned BUSINESS 1 and BUSINESS 2. Ref: Sec. 6.4.29.C.1, 5.1.4, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Hearing Continued to a date to be determined; Held 6-0
- #230-15(2)** **Petition to increase the Floor Area Ratio at 239 Cypress Street**
BRENDAN M. EVERETT petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a rear addition to the basement and first floor and to enlarge an existing attic dormer, which will increase the Floor Area Ratio from .42 to .55, where .48 is the maximum allowed by right, at 239 CYPRESS STREET, Ward 6, Newton Centre, on land known as SBL 65, 15, 26, containing approximately 5,490 square feet of land, in a district zoned SINGLE RESIDENCE 3. Ref: Sec 7.3, 7.4, and 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Hearing Closed; Approved as Amended 5-0
- #348-15** **Petition to increase the Floor Area Ratio at 27-29 Talbot Street**
NATALIA ASTAPUK petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE and USE in order to add a shed dormer to the half story above the second floor, which will increase the existing nonconforming Floor Area Ratio from .51 to .62, where .48 is the maximum allowed by right, and to extend the legally nonconforming two-family dwelling use at 27-29 TALBOT STREET, Ward 3, West Newton, on land known as SBL 34, 30. 5, containing approximately 5,000 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3, 7.4, 7.8.1C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Hearing Closed; Approved 4-0-1 (Lennon Abstaining)
- #349-15** **Petition to increase existing nonconforming setbacks at 28 Beecher Place**
GREGORY KESHISHYAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE by adding a pitched roof half-story addition to an existing two-family dwelling in order to create an attic with storage and living space, which will increase the structure within the existing nonconforming setbacks, at 28 BEECHER PLACE, Ward 6, Newton Centre, on land known as SBL 65, 8, 30, containing approximately 5,574 sf of land in a district zoned MULTI-RESIDENCE 1. Ref: Sec. 7.3, 7.4, 3.2, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Hearing Closed; Approved 6-0
- #350-15** **Petition to increase Floor Area Ratio at 17 East Boulevard Road**
WENDY & JASON KRITZER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a rear addition to enlarge the existing basement garage, to enlarge the kitchen and family room on the first floor, and to enlarge the master bedroom on

the second floor, which will increase the Floor Area Ratio from .38 to .46, where .43 is the maximum allowed by right, on a single-family dwelling at 17 EAST BOULVEVARD ROAD, Ward 7, Newton Centre, on land known as SBL 73, 34, 5, containing approximately 7,135 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Hearing Closed; Approved 6-0

#351-15 Petition for 4 attached dwelling units in an existing 2-family dwelling at 1110 Chestnut Street

CHARLES ZAMMUTTO/DOUGLAS & MAGDALENA TURCOTTE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to create four attached dwelling units in an existing two-family dwelling including waivers from the height and number of stories, the side setback, and to locate parking and a driveway within a setback at 1110 CHESTNUT STREET, Ward 5, Newton Upper Falls, on land known as SBL 51, 41, 2, containing approximately 22,800 sf of land in a district zoned MULTI-RESIDENCE 1. Ref: Sec 7.3, 7.4, 2.4.1, 3.2.4, 5.4.2, 6.2.3B.2, 5.1.7.A, 5.1.13, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Hearing Continued to February 2, 2016; Held 6-0

2016 Auto License Renewals

#241-15 **CLAY NISSAN OF NEWTON INC.** (Class 1)
431 Washington Street
Newton Corner 02458
Approved 6-0

#258-15 **NEWTON CENTRE SHELL, INC.** (Class 2)
1365 Centre Street
Newton Centre 02459
Approved 6-0

#248-15 **JOHN BORTONE d/b/a ENZO'S AUTO SALES** (Class 2)
10 Hawthorn Street
Nonantum 02458
Approved 6-0

#269-15 **JOHN & CATALINA BORTONE** (Class 2)
d/b/a VELOCITY MOTORS
14 Hawthorn Street
Nonantum 02458
Approved 6-0

Referred to the Zoning & Planning Committee

Monday, January 11, 2016

#9-16 **Nomination of Episcopal Parish of the Messiah building for Landmark Designation**
COUNCILOR SANGIOLO requesting the City Council nominate the building currently housing the Episcopal Parish of the Messiah, located at 1900 Commonwealth Avenue in Auburndale for Landmark Designation. [12/24/15 @ 9:40 AM]
No Action Necessary 5-0 (Baker not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

January 14, 2016

#319-15 **Discussion and presentation of the draft Newton Centre Parking strategy**
ACTING DIRECTOR OF PLANNING & DEVELOPMENT, requesting a discussion and presentation of the draft Newton Centre Parking strategy. [11/9/15 @ 4:16 PM]
Recommend No Action Necessary 3-0 (Cote and Fuller not voting)

A Motion to Suspend the Rules to accept the following two late filed Docket Items to the Docket and refer them to Committee was Approved by Voice Vote

REFERRED TO FINANCE COMMITTEE

#29-16 **Request to authorize a settlement for damages caused by a city vehicle**
HIS HONOR THE MAYOR requesting authorization to appropriate and expend nine thousand three hundred sixty-two dollars and fifty-eight cents (\$9,362.58) from the Judgements and Settlements Account to cover the full and final settlement from damages caused by a City of Newton vehicle. [01/12/16 @ 1:57 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEE

#30-16 **Transfer from budget reserve to DPW for snow removal**
HIS HONOR THE MAYOR, requesting authorization to transfer the sum of one million dollars (\$1,000,000) from Budget Reserve – Snow and Ice Removal Account to the following accounts:
Personnel Costs – Overtime
(0140110-513001)..... \$ 300,000
Rental Vehicles
(0140110-5273-5273)\$700,000
[01/19/16 @ 11:41 AM]

Public Hearings were assigned for the following items:

Public Hearing assigned for February 9, 2016:

#15-16 Special permit petition for an accessory apartment at 126 Cornell Street
SCOTT TIMMINS petition for an accessory apartment in a detached carriage house at 126 Cornell Street, Ward 4, Newton Lower Falls, on land known as SBL 42, 32, 72, containing approximately 12,682 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 7.3, 7.4, 6.7.1.D of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing assigned for February 9, 2016:

#16-16 Special permit petition for 30 Caroline Park
VINCENT NAVE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to enclose portions of decks on the first and second floors to create living space, which will further increase the non-conforming Floor Area Ratio from .51 to .54, where .42 is the maximum allowed by right, for a single-family dwelling at 30 Caroline Park, Ward 5, Waban, on land known as SBL 53, 36, 2, containing approximately 8,500 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4, 7.8.2.C.2, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.