

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, January 5, 2015

Present: Ald. Albright, Blazar, Brousal-Glaser, Ciccone, Cote, Crossley, Danberg, Fuller, Gentile, Harney, Hess-Mahan, Kalis, Lappin, Laredo, Leary, Lipof, Norton, Rice, Sangiolo, Schwartz, Yates and Lennon

Absent: Ald. Baker & Johnson

THE BOARD OF ALDERMEN DISCUSSED AND VOTED THE FOLLOWING ITEMS ON SECOND CALL:

#356-14 **REFERRED TO PROGRAMS & SERVICES COMMITTEE**
ALD. HESS-MAHAN AND DANBERG, requesting a RESOLUTION of the Newton Board of Aldermen on behalf of Newton Dialogues on Peace & War, declaring support for the U.S. Conference of Mayors' program "Mayors for Peace," of which the City of Newton has been a member since 2005, and its goal of eliminating all nuclear weapons by 2020. [09/10/14 @ 3:15PM]
PROGRAMS & SERVICES APPROVED 7-0 (Baker not voting) on December 4, 2014

ITEM POSTPONED ON DECEMBER 15, 2014 TO DATE CERTAIN OF JANUARY 5, 2015

MOTION TO AMEND TO INCLUDE THE FOLLOWING TEXT:

"Be it further resolved that the Clerk of the Board of Aldermen shall send copies of this Resolution to the elected representatives of this municipality, including the U.S. Congressman, the U.S. Senators and the President of the United States, and further to the Boston Globe, the Boston Herald and the Newton Tab."

AMENDMENT APPROVED BY VOICE VOTE

MOTION TO APPROVE AS AMENDED APPROVED 14 YEAS, 7 NAYS (Ald. Ciccone, Fuller, Gentile, Lappin, Laredo, Lipof, Lennon), 3 ABSENT (Ald. Baker, Cote, Johnson)

Clerk's Note: An amendment was offered and approved which instructs the Clerk where to send the resolution. Those opposed to the resolution cited the complexity of the language, the work required to get a complete understanding and the role of the Board of Aldermen in supporting national initiatives. Some felt it was well intended, but they could not support it.

REFERRED TO LAND USE COMMITTEE

- #273-14 **NICORE CONSTRUCTION, CORP.** petition to change the zone of 114 RIVER STREET, known also as Section 33, Block 23, Lot 15, containing approximately 6,837 square feet of land, from BUSINESS 1 to MULTI RESIDENCE 2.
HEARING OPENED SEPTEMBER 23; CONTINUED ON NOVEMBER 6; CLOSED DECEMBER 2
LAND USE APPROVED 5-0-3 (Albright, Laredo, Schwartz abstaining) on December 3, 2014
ITEM POSTPONED ON DECEMBER 15, 2014 TO DATE CERTAIN OF JANUARY 5, 2015
MOTION DENIED 15 YEAS, 6 NAYS (Ald. Blazar, Danberg, Harney, Norton, Sangiolo, Yates), 2 ABSENT (Ald. Baker & Johnson), 1 RECUSED (Ald. Brousal-Glaser)
MOTION TO ALLOW ALD. CICCONE TO CHANGE HIS VOTE APPROVED 18 YEAS, 3 NAYS (Ald. Harney, Norton, Sangiolo), 2 ABSENT (Ald. Baker & Johnson), 1 RECUSED (Ald. Brousal-Glaser)
MOTION DENIED 14 YEAS, 7 NAYS (Ald. Blazar, Ciccone, Danberg, Harney, Norton, Sangiolo, Yates), 1 RECUSED (Ald. Brousal-Glaser)
MOTION TO RECONSIDER FILED BY ALD. CICCONE AFTER THE CLOSE OF THE MEETING

Clerk's Note: When the vote was taken, questions arose about the accuracy of the Clerk's recording of the vote. A motion was made and seconded to ask the clerk to review the recording of the meeting to confirm the vote. The clerk reviewed the recording and adjusted the vote to accurately record what the Board had voted. After the call of the vote, Ald. Ciccone asked to change his vote. A motion was made to allow him to do so and the motion was approved. This item was discussed in conjunction with the special permit below.

Those opposed to the project and zone change noted that the increase would change the neighborhood character. They hoped to see the FAR brought down so that the project could work on the site. It was felt that replacing a two-family unit with a four-family unit does change the character of the neighborhood. There was a request to look at the definition of two-family.

Those in favor noted that the house is a modest size but that it is on a good-sized lot. Concern was raised that if this project did not move forward and the two lots were combined, you could see a 40B project, where the houses are closer and you would end up with a bigger property on the site. There was concern that this alternative would be worse.

REFERRED TO LAND USE COMMITTEE

- #273-14(2) **NICORE CONSTRUCTION CORP.** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct four attached single-family dwellings in two buildings and to locate a driveway within 10 feet of a side lot line at 5-7 ELM STREET and 114 RIVER STREET, Ward 3, West Newton, on land known as

SBL 33,23, 9, containing approximately 19,483 sf of land in a district zoned MULTI RESIDENCE 2 and SBL 33, 23, 15, containing approximately 6,837 sf of land in a *proposed* MULTI RESIDENCE 2 district, for a *proposed* total of 26,290 sf of land. Ref: Sec 30-24, 30-23, 30-15(b)(5)a) and b), 30-9(b)(5)a) of the City of Newton Rev Zoning Ord, 2012 and Amend Special Permit #40-07, dated May 21, 2007.

**HEARING OPENED SEPTEMBER 23; CONTINUED ON NOVEMBER 6;
CLOSED DECEMBER 2**

**LAND USE APPROVED 6-0-2 (Harney, Laredo abstaining) on December 3,
2014**

**LAND USE APPROVED AMENDMENT TO SITE PLAN #40-07
APPROVED 6-0-2 (Harney, Laredo abstaining) on December 2, 2014**

**ITEM POSTPONED ON DECEMBER 15, 2014 TO DATE CERTAIN OF
JANUARY 5, 2015**

**MOTION TO POSTPONE TO DATE CERTAIN OF JANUARY 20, 2015
WAS APPROVED BY VOICE VOTE**

Clerk's Note: See discussion for item above. A request to postpone this item to allow the petitioner the opportunity to withdraw the request if they wanted to so that they could refile it within two years was made and approved.

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 3 ABSENT
(Ald. Baker, Cote & Johnson) TO TAKE THE FOLLOWING ACTIONS:**

REFERRED TO ZONING & PLANNING

Monday, December 22, 2014

- #316-12(4) CLERK OF THE BOARD proposing that Sec. 30-19(d)(13) of Chapter 19 PARKING AND LOADING FACILITIES be amended to reinstate the following requirements: "One stall for each three (3) seats, permanent or otherwise, excluding any additional outdoor sidewalk seats permitted under section 26-30 of these ordinances, for patron use of restaurants and other places serving food or beverages and of theaters, halls, clubs, auditoriums and other places of amusement or assembly and one stall for each three (3) employees to be employed or anticipated to be employed on the largest shift. Places of assembly or amusement shall also provide one parking stall for each forty-five (45) square feet of gross floor area used for meeting function purposes when such space is customarily used concurrently with the seating space. In the case of such uses in conjunction with a hotel or motor hotel and in the same or an abutting building, the parking stall requirements with respect to patron use of restaurants and other places serving food or beverages shall be one-half (1/2) and with respect to patron use of theaters, halls, clubs, auditoriums and other places of amusement or assembly shall be one-fourth (1/4) of the preceding requirements."
- HEARING CLOSED; APPROVED 5-0 (Leary not voting)**

- #407-13 HIS HONOR THE MAYOR requesting discussion relative to establishing a Regional Technology Center in Newton under the state's Economic Development Incentive Program. [11/12/13 @ 4:47 PM]
NO ACTION NECESSARY 6-0

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public Hearing assigned for February 3, 2015

- #1-15 CANTON CIRCLE LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for medical office use in 4,433 square feet of space located in a one-story building in conjunction with an existing bank and post office; waive 6 parking stalls; to waive dimensional requirements, aisle width, landscape screening, interior landscaping, lighting, and bicycle parking, and to allow parking in the side setback at 714 BEACON STREET, Ward 6, Newton Centre, on land known as SBL 61, 38, 8, containing approximately 37,941 sq. ft. of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 30-19(c)(2)a), 30-19(d)(10), (12), 30-19(h)(1), (h)(2)a), (h)(2)b), (h)(2)c), (h)(2)e), (h)(3)b), 30-19(i)(1), (i)(2)a), (i)(2)b), (i)(2)c), (i)(2)d), 30-19(j)(1)a), (1)b), 30-19(j)(2)e), (2)f), 30-19(k)(1), (2), (3), 30-19(m) of the City of Newton Rev Zoning Ord, 2012 and special permit nos. 131-96, 503-96, and 520-74.

Public Hearing assigned for February 3, 2015

- #2-15 ATRIUM WELLNESS CENTER LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION of a NONCONFORMING STRUCTURE to repurpose an existing vacant building into a mixed-use facility including medical office, laboratory, general office, retail, and restaurant uses (to allow restaurants of more than 50 seats) at 300 BOYLSTON STREET, Ward 7, Chestnut Hill, on land known as SBL 82, 2, 1, containing approximately 125,771 sq. ft. of land in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-21, 30-11(b)(3), 30-11(d)(9), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for February 4, 2015

- #9-15 SRDJAN S. NEDELJKOVIC et al. petitioning the Board of Aldermen to expand the area represented by the Newton Highlands Neighborhood Area Council to include areas immediately contiguous with the existing service area of the Newton Highlands Neighborhood Area Council pursuant to Article 9, Section 9-4, of the City of Newton Charter. [12/23/14 @ 12:20 PM]

A MOTION TO ACCEPT AND REFER THE FOLLOWING FOUR LATE FILED ITEMS WAS APPROVED BY VOICE VOTE.

REFERRED TO FINANCE COMMITTEE

#12-15 HIS HONOR THE MAYOR requesting authorization to expend the sum of five thousand dollars (\$5,000) for the 2015 Unaccompanied Homeless Youth Grant awarded by the Massachusetts Department of Housing and Community Development as part of the Brookline-Newton-Waltham-Watertown Continuum of Care to be used to conduct a count and survey of unaccompanied homeless youth in January 2015. [12/30/14 @ 11:48 AM]

REFERRED TO FINANCE COMMITTEE

#13-15 HIS HONOR THE MAYOR requesting authorization to expend the sum of one thousand two hundred forty dollars (\$1,240) for the reimbursement of costs related to administrative expenses for the 2014 Unaccompanied Homeless Youth Grant awarded by the Massachusetts Department of Housing and Community Development, which the City of Newton served as the lead agency of the Brookline-Newton-Waltham-Watertown Continuum of Care. [12/30/14 @ 11:48 AM]

REFERRED TO FINANCE COMMITTEE

#14-15 HIS HONOR THE MAYOR requesting authorization to expend a Mass Works reimbursable grant for one million five hundred thousand dollars (\$1,500,000) and a Mass Department of Transportation identified contingency fund of up to an additional three hundred fifty thousand dollars (\$350,000) to be used to support the purchase and installation of new traffic signal equipment and construction of the proposed roadway improvements to better align Oak and Christina Streets. [12/30/14 @ 11:48 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#16-15 HIS HONOR THE MAYOR proposing amendments to the City of Newton Revised Ordinances, 2012 Section 11-15. **White goods.** by striking the fee of twelve dollars (\$12) and replacing it with eighteen dollars (\$18) wherever the fee is mentioned. [12/30/14 @ 11:48 AM]