

**IN BOARD OF ALDERMEN****BOARD ACTIONS**

Monday, April 6, 2015

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

**THE BOARD OF ALDERMEN DISCUSSED AND VOTED THE FOLLOWING ITEMS ON SECOND CALL:****REFERRED TO REAL PROPERTY REUSE COMMITTEE**

Tuesday, March 24, 2015

#384-11(6) **ALD. COTE, SANGIOLO, HARNEY, BROUSAL-GLASER, NORTON** requesting (1) that the Board of Aldermen reverse its decision of February 6, 2012 which, in accordance with the recommendation of the Real Property Reuse Committee, declared 70 Crescent Street with the exception of the piece designated as the Reverend Ford Playground unnecessary for all municipal use, and return the property at 70 Crescent Street to the Parks & Recreation Department (2) that His Honor the Mayor and the Parks & Recreation Department work with a *70 Crescent Street Committee* to establish a memorial park dedicated to those residents of Newton and the state as a whole who lost their property and their way of life to the construction of the Massachusetts Turnpike.

**REAL PROPERTY REUSE DENIED 7-0-1 (Leary abstaining)****MOTION TO RECOMMIT TO REAL PROPERTY REUSE WAS APPROVED 19 YEAS, 4 NAYS (Ald. Albright, Crossley, Danberg, Hess-Mahan), 1 ABSENT (Ald. Lipof)**

Clerk's Note:

**REFERRED TO LAND USE COMMITTEE**

#366-14 **ARMAN CHITCHIAN** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition and reconfigure an existing two-family dwelling to two side-by-side attached dwellings, which will increase the Floor Area Ratio from .24 to .42, 41 where ~~.36~~ .38 (with the 2% bonus) is allowed, at 143 LINCOLN STREET, Ward 5, NEWTON HIGHLANDS, on land known as SBL 52, 1, 18, containing approximately 11,775 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.

**A PUBLIC HEARING WAS OPENED AND CONTINUED ON 12/9/2014, CONTINUED TO FEBRUARY 10, 2015; CONTINUED ON MARCH 17 HEARING CLOSED; LAND USE APPROVED AS AMENDED 6-0-1 (Harney abstaining)**

**MOTION TO RECOMMIT TO LAND USE WAS APPROVED BY VOICE VOTE**

Clerk's Note:

**REFERRED TO LAND USE COMMITTEE**

#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.

**A PUBLIC HEARING WAS OPENED AND CONTINUED ON FEBRUARY 3, 2015**

**HEARING CLOSED; LAND USE APPROVED 7-0**

**A MOTION TO AMEND THE TEXT OF CONDITION #4 TO READ: "4. NOTWITHSTANDING ANYTHING DEPICTED ON THE PLANS LISTED UNDER CONDITION #1 TO THE CONTRARY, LABORATORY USES WITHIN THE SITE SHALL NOT EXCEED 50,000 SQUARE FEET OF THE STRUCTURE'S TOTAL FLOOR AREA." WAS APPROVED BY VOICE VOTE**

**APPROVED AS AMENDED 22 YEAS, 2 ABSENT (Ald. Kalis & Lipof)**

Clerk's Note:

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 24 YEAS, TO TAKE THE FOLLOWING ACTIONS:**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, March 17, 2015

**REFERRED TO LAND USE & FINANCE COMMITTEES**

#55-15 COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of five hundred eighty-four thousand twenty-nine dollars (\$584,029) from the Community Preservation Fund to the Planning & Development department for a grant to citizens for Affordable Housing Development in Newton (CAN-DO), to create two units of permanently affordable rental housing at 54 Taft Avenue, West Newton, as described in the proposal submitted in January 2015.

**FINANCE APPROVED 6-0-1 (Fuller abstaining) on 03/23/15**  
**LAND USE APPROVED 6-0 (Lennon and Lipof not voting)**

#44-15 NONANTUM NEIGHBORHOOD ASSOCIATION requesting a temporary license pursuant to Sec 30-6(k) of the City of Newton Ordinances to hold NONANTUM VILLAGE DAY on Sunday, June 7, 2015.  
**LAND USE APPROVED 8-0**

#431-14 PARAGON GLOBAL PARTNERS, INC.  
259 Walnut Street  
Newtonville 02460  
**LAND USE APPROVED 8-0**

*A public hearing was held on the following item:*

#38-15 PAUL LANGIONE, TRUSTEE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NONCONFORMING USE for a for-profit educational purpose, including classrooms and offices, and waivers from parking facility design requirements for dance studios at 38 BORDER STREET, Ward 3, West Newton, on land known as SBL 33, 15, 23, containing ±27,874 sq. ft. of land in a district zoned MANUFACTURING. Ref: 30-24, 30-23, 30-21(b), 30-19(h)(1), (h)(5), 30-19(i)(1), (i)(2)a), (i)(2)b), (i)(2)c), (i)(2)d), 30-19(j)(1)a), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.  
**HEARING CLOSED; LAND USE APPROVED 8-0**

*A public hearing was held on the following item:*

#39-15 SCOTT CUSICK/PITSICK llc/JOSHUA SHRIBER & PATIENCE ORBELLO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for 18, 22, and 26 GODDARD STREET, Ward 8, Newton Highlands, to allow a build factor of 28.08, where 20 is the maximum allowed in a district zoned SINGLE RESIDENCE 3, in order to create two conforming lots from three lots and to legitimize two existing structures at (1) 22 Goddard Street, which will have 8,000 sq. ft. and (2) 26 Goddard (a partially completed new dwelling), which will have 7,000 sq. ft. Ref: Sec. 30-24, 30-23, 30-15(p), City of Newton Rev Zoning Ord, 2012.  
**HEARING CLOSED; LAND USE APPROVED 8-0**

*A public hearing was opened and continued on 12/9/2014 and on 02/10/15*

#366-14 ARMAN CHITCHIAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition and reconfigure an existing two-family dwelling to two side-by-side attached dwellings, which will increase the Floor Area Ratio from .24 to .42, where .36 is allowed, at 143 LINCOLN STREET, Ward 5, NEWTON HIGHLANDS, on land known as SBL 52, 1, 18, containing ±11,775 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u)(2), City of Newton Rev Zoning Ord, 2012.  
**HEARING CONTINUED**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, March 31, 2015

*A public hearing was opened and continued on March 10*

#40-15 CURTIS P. O'HARA, JOHN O'HARA & KARL J. O'HARA, TRUSTEES of the BB&G REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE/USE to construct additions to the northeast side and to the rear of an existing restaurant, which will increase the existing nonconforming Floor Area Ratio and front and side setbacks, to increase the seating from 116 seats to 146 seats, and to waive 11 parking stalls at 95-97 ELM STREET, Ward 3, West Newton, on land known as SBL 33, 13, 11, containing approximately 3,506 sq. ft. of land in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-11(d)(9), 30-15 Table 3, 30-19(c)(2)a), 30-19(d)(13), 30-19(m), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.  
**LAND USE APPROVED 7-0**

*Request for Withdrawal without Prejudice:*

#476-14 JOHNNY'S LUNCHONETTE/KRASNER METRO BOSTON ASSOC. LP & HKS PROPERTIES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING USE to expand the number of seats in an existing restaurant from 88 to 96 and to waive three parking stalls at 30 LANGLEY ROAD, Ward 6, Newton Centre, on land known as SBL 61, 33, 14 in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-21(b), 30-11(d)(9), 30-19(c)(2)a), (d)(13), and (m) of the City of Newton Rev Zoning Ord, 2012.  
**WITHDRAWAL WITHOUT PREJUDICE LAND USE APPROVED 7-0**

**REFERRED TO PROGRAMS AND SERVICES COMMITTEE**

Wednesday, March 18, 2015

Appointment by the President of the Board

#66-15 SYDRA SCHNIPPER, 273 Ward Street, Newton Centre, appointed as a member of the NEWTON COMMUNITY EDUCATION COMMISSION for a term to expire April 30, 2017 (60 days 5/15/15) [03/05/15 @ 12:53PM]  
**PROGRAMS & SERVICES APPROVED 6-0 (Kalis and Baker not voting)**

Appointment by the President of the Board

#67-15 PATRICK COSTELLO, 32 Wolcott Street, Newton, appointed as a member of the FARM COMMISSION for a term to expire June 30, 2018 (60 days 5/15/15) [03/09/15 @ 11:31AM]  
**PROGRAMS & SERVICES APPROVED 7-0 (Kalis not voting)**

#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]  
**HEARING CLOSED; PROGRAMS & SERVICES APPROVED AS AMENDED 7-0-1 (Sangiolo abstaining)**

- #8-15 ALD. HESS-MAHAN, NORTON, SANGIOLO AND LEARY requesting discussion with the Law Department and Inspectional Services Department regarding enforcement of the noise ordinance as it pertains to leaf blowers.  
**PROGRAMS & SERVICES NO ACTION NECESSARY 7-0-1 (Sangiolo abstaining)**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, March 18, 2015

- #236-12 RECODIFICATION COMMITTEE recommending **Sec. 19-175. Angle parking.** of **Chapter 19 MOTOR VEHICLES AND TRAFFIC** be amended by deleting the words “board of aldermen” and inserting in place thereof the words “traffic council” and by inserting after the word “and” the words “the commissioner of public works”.  
**PUBLIC SAFETY & TRANSPORTATION APPROVED 7-0**
- #235-12 RECODIFICATION COMMITTEE recommending that **Sec. 19-113. Pedestrians crossing ways or roadways.** in **Chapter 19 MOTOR VEHICLES AND TRAFFIC** be amended by removing the existing description of a marked crosswalk.  
**PUBLIC SAFETY & TRANSPORTATION APPROVED 7-0**
- #233-12 RECODIFICATION COMMITTEE recommending that the definition of *Crosswalk* in **Sec. 19-1.** of **Chapter 19 MOTOR VEHICLES AND TRAFFIC** be amended to define that it is a portion of a roadway clearly indicated for pedestrians crossing with marked lines only.  
**PUBLIC SAFETY & TRANSPORTATION APPROVED 7-0**
- #239-12 RECODIFICATION COMMITTEE requesting a discussion as to whether the increased Tiger Permit Fees in **Chapter 19 MOTOR VEHICLES AND TRAFFIC** and the process established as part of the temporary Tiger program are still valid for the smaller permanent program.  
**PUBLIC SAFETY & TRANSPORTATION NO ACTION NECESSARY 6-0, Ald. Fuller not voting**
- #238-12 RECODIFICATION COMMITTEE requesting a discussion to determine whether Hawk lights should be regulated in **Chapter 19 MOTOR VEHICLES AND TRAFFIC** or in the *Traffic and Parking Regulations*.  
**PUBLIC SAFETY & TRANSPORTATION NO ACTION NECESSARY 6-0, Ald. Fuller not voting**
- #237-12 RECODIFICATION COMMITTEE requesting a discussion relative to amending **Sec. 19-188 Establishment of spaces and installation of parking meters; type of meters; operation and maintenance.** of **Chapter 19 MOTOR VEHICLES AND TRAFFIC** by deleting in paragraph (a) the reference to specific denominations for payment.

**PUBLIC SAFETY & TRANSPORTATION NO ACTION NECESSARY 6-0,  
Ald. Fuller not voting**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, March 18, 2015

- #37-15 GILLIAN BROWN ISABELLE, 345 Upland Avenue, Newton Highlands appointed as a member of the CITIZENS COMMISSION ON ENERGY for a term of office to expire on March 1, 2018. [01-29-15 @ 10:24 AM]  
**PUBLIC FACILITIES APPROVED 7-0**
- #102-06(14) CHESTNUT HILL REALTY, petitioning for Construction of a Common Sewer and Water Main in LAGRANGE STREET, the proposed sewer will extend from the existing sewer manhole on Lagrange Street located between the intersection of Byron Road and Broadlawn Drive easterly 150' ± to a proposed sewer manhole in Lagrange Street and the proposed water main will extend from the existing service in Lagrange Street located at the intersection of Broadlawn Drive and Lagrange Street 500' ± easterly to the Kessler Project site, identified as Section 82, Block 37, Lot 95. The existing dead-end water service at the intersection of Broadlawn Park and Lagrange Street will be connected to the proposed water main. (Ward 8) [03/09/15 @ 11:20 AM]  
**PUBLIC FACILITIES APPROVED 7-0**
- #286-13(3) HIS HONOR THE MAYOR requesting authorization to implement roadway improvements at the intersection of Collins Road and Beacon Street that result in improved overall function and safety at the intersection. [01/13/15 @ 2:44 PM]  
**PUBLIC FACILITIES APPROVED 5-0-1 (Laredo recused, Lappin not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #470-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one million dollars (\$1,000,000) from bonded indebtedness for the purpose of funding the installation of an elevator and other accessibility improvements at the War Memorial at City Hall. [11/24/14 @ 3:43 PM]  
**FINANCE APPROVED 7-0**  
**PUBLIC FACILITIES APPROVED 7-0**
- A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIRS OF THE COMMITTEES TO POLL THEIR COMMITTEES TO AMEND THE DOLLAR AMOUNT TO \$1,140,000 FROM BONDED INDEBTEDNESS WAS APPROVED BY VOICE VOTE**
- FINANCE APPROVED AS AMENDED 8-0**  
**PUBLIC FACILITIES APPROVED AS AMENDED 8-0**

**Clerk's Note:** In committee it was revealed that the total cost of the project was \$1,140,000 with \$1,000,000 from bonded indebtedness and \$140,000 from CDBG funds. After the

committee meetings the Executive Offices asked that the total amount of \$1,140,000 come from bonded indebtedness.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #471-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of four hundred thousand dollars (\$400,000) from Free Cash to fund the design, construction, and relocation of modular buildings from Zervas Elementary School to Newton South High School for special education program needs. [11/24/14 @ 3:43 PM]  
**FINANCE VOTED NO ACTION NECESSARY 6-0 on 03/23/15**  
**PUBLIC FACILITIES NO ACTION NECESSARY 5-0 (Gentile and Lappin not voting)**

**REFERRED TO FINANCE COMMITTEE**

Monday, March 23, 2015

**REFERRED TO LAND USE & FINANCE COMMITTEES**

- #55-15 COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of five hundred eighty-four thousand twenty-nine dollars (\$584,029) from the Community Preservation Fund to the Planning & Development department for a grant to citizens for Affordable Housing Development in Newton (CAN-DO), to create two units of permanently affordable rental housing at 54 Taft Avenue, West Newton, as described in the proposal submitted in January 2015. [02/17/15 @ 8:57 AM]  
**LAND USE APPROVED 6-0 on 03/17/15**  
**FINANCE APPROVED 6-0-1 (Fuller abstaining)**
- #50-15 HIS HONOR THE MAYOR requesting authorization to appropriate eleven thousand five hundred fifty dollars (\$11,550) from the Energy Stabilization Fund to obtain an Energy solar Consultant to assist the City in developing solar projects on the landfill and several other locations on City properties.  
**FINANCE APPROVED 7-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #470-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one million dollars (\$1,000,000) from bonded indebtedness for the purpose of funding the installation of an elevator and other accessibility improvements at the War Memorial at City Hall. [11/24/14 @ 3:43 PM]  
**PUBLIC FACILITIES APPROVED 7-0 on 03-18-15**  
**FINANCE APPROVED 7-0**
- A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIRS OF THE COMMITTEES TO POLL THEIR COMMITTEES TO AMEND THE DOLLAR AMOUNT TO \$1,140,000 FROM BONDED INDEBTEDNESS WAS APPROVED BY VOICE VOTE**
- PUBLIC FACILITIES APPROVED AS AMENDED 8-0**

**FINANCE APPROVED AS AMENDED 8-0**

**Clerk’s Note:** See explanation above.

#74-15 HIS HONOR THE MAYOR requesting authorization to transfer and expend the sum of on hundred ninety-five thousand eight hundred seventy-six dollars and forty-one cents (\$195,876.41) for the costs associated with the City’s 2015 bond issuance as follows:

Free Cash .....	\$118,040.34
Override Stabilization Fund.....	\$77,838.07

**FINANCE APPROVED 6-0 (Cicccone not voting)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#471-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of four hundred thousand dollars (\$400,000) from Free Cash to fund the design, construction, and relocation of modular buildings from Zervas Elementary School to Newton South High School for special education program needs. [11/24/14 @ 3:43 PM]

**PUBLIC FACILITIES VOTED NO ACTION NECESSARY 5-0 (Lappin, Gentile not voting on 03-18-15)**

**FINANCE NO ACTION NECESSARY 6-0 (Cicccone not voting)**

**PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:**

*Public Hearing assigned for May 5, 2015:*

#76-15 LESLIE SEE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an accessory apartment in a two-family house at 34-36 BROADLAWN PARK, Ward 8, Chestnut Hill, on land known as SBL 82, 46, 6, containing approximately 13,913 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(h)(1) of the City of Newton Rev Zoning Ord, 2012.

*Public Hearing assigned for May 12, 2015:*

#78-15 BETH KIRSCH petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow more than three customers or pupils in a home business and to waive one parking stall associated with the proposed business at 27 WALDORF ROAD, Ward 5, Newton Highlands, on land known as SBL 54, 46, 8, containing approximately 4,883 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-8(c)(4), (c)(11)c) and e) 30-8(c) and (c)(9) of the city of Newton Rev Zoning Ord, 2012.

*Public Hearing assigned for April 13, 2015:*

#376-14 PLANNING & DEVELOPMENT DEPARTMENT requesting that **Chapter 30 ZONING** be deleted in its entirety and replaced with the Zoning Reform Phase 1 Zoning Ordinance. [10/22/14 @ 7:48PM]



**A MOTION TO SUSPEND THE RULES TO ACCEPT TO THE DOCKET AND REFER TO COMMITTEE THE FOLLOWING TWO ITEMS WAS APPROVED BY VOICE VOTE.**

**REFERRED TO FINANCE COMMITTEE**

#87-15 HIS HONOR THE MAYOR requesting authorization to create a gift account for Fiscal Year 2016 for the Newtonville Area Council in accordance with Massachusetts General Laws c. 44 §53A. [04/02/15 @ 3:46 PM]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#88-15 HIS HONOR THE MAYOR requesting authorization to transfer the sum of six hundred thousand dollars (\$600,000) from the Department of Public Works Salaries Account to the Department of Public Works Contracted Snow Removal Account for the purpose of funding the contracted labor final bills. [04/03/15 @ 9:45 AM]

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 1 RECUSED (Ald. Lipof) TO TAKE THE FOLLOWING ACTIONS:**

**REFERRED TO LAND USE COMMITTEE**

#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; waive dimensional requirements, aisle width, landscape screening, interior landscaping, lighting, and bicycle parking, and allow parking in the side setback at 714 BEACON STREET, Ward 6, Newton Centre, on land known as SBL 61, 38, 8, containing ±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), City of Newton Rev Zoning Ord, 2012 and special permit nos. 131-96, 503-96, 520-74. *A public hearing was opened and continued on February 3, 1015*  
**HEARING CLOSED; LAND USE APPROVED 7-0 (Lipof recused)**