

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, August 10, 2015

Present: Ald. Albright, Ciccone, Cote, Crossley, Danberg, Fuller, Hess-Mahan, Johnson, Lappin, Laredo, Lennon, Lipof, Norton, Sangiolo, Schwartz and Yates

Absent: Ald. Baker, Blazar, Brousal-Glaser, Gentile, Harney, Kalis, Leary and Rice.

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

REFERRED TO PROGRAMS & SERVICES & PUBLIC FACILITIES COMMITTEES
#141-15(2) **ALD LEARY, CROSSLEY, BROUSAL-GLASER, SANGIOLO, DANBERG, HESS-MAHAN, NORTON & YATES** requesting a resolution to the State Legislature in support of House Bill 2870, an Act relative to protecting consumers of gas and electricity from paying for leaked and unaccounted for gas. [06/18/15 @ 4:50 PM]
PROGRAMS & SERVICES APPROVED 8-0 on 07/15/15
PUBLIC FACILITIES APPROVED 7-0
MOTION TO POSTPONE TO A DATE CERTAIN OF TUESDAY, SEPTEMBER 8, 2015 WAS APPROVED BY VOICE VOTE

Clerk's Note:

REFERRED TO PROGRAMS AND SERVICES COMMITTEE
#172-15 **ALD. HESS-MAHAN AND NORTON** on behalf of Susan Mirsky and Guntram Mueller, requesting that the following non-binding question be placed on the November 3, 2015 municipal ballot: "Shall Governor Charles Baker instruct the Nuclear Regulatory Commission (NRC) to revoke the operating license of the 42-year old Pilgrim Nuclear Station, 38 miles from Newton in Plymouth, MA, because the safety of the public cannot be assured?" [06/23/15 @ 1:09PM]
PROGRAMS & SERVICES APPROVED 7-0 (Leary not voting)
APPROVED 13 YEAS, 3 NAYS (Ald. Cote, Laredo & Lipof), 8 ABSENT (Ald. Baker, Blazar, Brousal-Glaser, Gentile, Harney, Kalis, Leary & Rice)

Clerk's Note:

REFERRED TO PUBLIC FACILITIES COMMITTEE
#174-15 **HIS HONOR THE MAYOR** appointing JAMES McGONAGLE as Commissioner of the Public Works Department effective August 24, 2015, pursuant to §3-3 of the City Charter. (30 days 08/12/15) [07/06/15 @ 3:51 PM]
PUBLIC FACILITIES APPROVED 5-0-2 (Gentile and Laredo abstaining)

ITEM CHARTERED BUY ALD. SANGIOLO

Clerk's Note:

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 16 YEAS, 8 ABSENT (Ald. Baker, Blazar, Brousal-Glaser, Gentile, Harney, Kalis, Leary and Rice) TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

Tuesday, July 14, 2015

A public hearing was opened and continued on May 12 and June 23:

#91-15 CP NEEDHAM STREET LLC petition for a SPECIAL PERMIT/SITE PLAN
 #182-09(2) APPROVAL to convert existing retail space to a restaurant use, to allow parking requirements to be met off-site (at 188-210 Needham Street), to allow parking within a setback in a parking facility with 5 or less parking stalls, to waive off-street loading requirements, and to waive lighting and screening requirements in a parking facility at 180 NEEDHAM STREET and to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #182-09, dated 11/07/09, which allowed up to 6,000 sf of retail space to be converted to restaurant use, in order to expand parking within a setback in a facility with more than 5 parking stalls, to increase the number of parking stalls accessed by a nonconforming aisle width, to waive requirements for vegetative screening and lighting for a parking facility with 5 or more parking stalls at 188-210 NEEDHAM STREET to accommodate the parking proposed for 180 Needham Street, Ward 8, Newton Upper Falls, both of which properties are located in a district zoned MIXED USE 1. Ref: 180 Needham Street: 30-24, 30-23, 30-13(b)(5), 30-19(f)(2), 30-19(g)(1), 39-19(i), 30-19(j), 30-19(l), 30-19(m) and 188-210 Needham Street: 30-24, 30-23, 30-21(b), 30-19(h)(1), and (h)(3), 30-19(i), 30-19(j), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; #91-15 and #182-09(2) LAND USE APPROVED 6-0

REFERRED TO LAND USE COMMITTEE

Tuesday, August 4, 2015

Items Recommended by Board of Aldermen on July 13, 2015:

#124-15 WELLS AVENUE LLC. petition for a SPECIAL PERMIT to demolish a portion of an existing one-story building and construct a 3-story addition adjacent to the remaining portion of the building, which will increase the gross floor area in the aggregate to 20,000 or more from the existing 68,740 gross square feet to 132,598 gross square feet; to construct one or more retaining walls which may be greater than 4 feet within the setbacks; to allow parking in the rear setback; and to waive the required driveway width at 2 WELLS AVENUE, Ward 8, on land known as SBL 84, 34, 2K, containing approx. 436,175 square feet of land in a district zoned LIMITED MANUFACTURING. Ref: 30-24, 30-23, 30-12(g)(2), 30-5(b)(4), 30-

19(h) and (m) of the City of Newton Rev Zoning Ord, 2012. *A public hearing was opened and continued on June 16 to June 23; hearing closed on June 23, 2015; [Approved 7-0-1 Schwartz abstaining]*

LAND USE APPROVED 7-0 (Crossley not voting)

- #124-15(2) Accompanying petition #124-15 is a request that the Deed Restriction adopted by Board Order #276-68(3), dated November 18, 1968, and subsequent amendments be further amended to allow the following: .
- a greater percentage of office space in the entire office park to exceed 800,000 square feet in floor area;
 - less open space as to the subject parcel and all other parcels constituting Parcel 1 than the maximum 40% requirement;
 - the property and proposed building thereon to exceed the maximum Floor Area Ratio of 0.25, and to allow the maximum Floor Area Ratio for the entire Wells Office Park to exceed 0.25;
 - a portion of the existing parking spaces and maneuvering area to be within 40 feet of the northeasterly boundary line of Parcel 1 on the plan #1183 of 1960 of which the land of 2 Wells Avenue is a part, and which boundary line is designated on said plan as “950” feet;
 - retaining walls of 4 feet or greater as may be necessary within 80 feet of the northerly boundary line of said lot;
 - the proposed building addition to be 36 feet in height although the specified minimum setback for the proposed building from the southerly street line of Nahanton Street is 321 feet.
- (Approved 4-0-4 [Albright, Crossley, Harney, Schwartz abstaining] on June 23, 2015)

LAND USE APPROVED 7-0 (Crossley not voting)

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, July 20, 1015

Appointment by His Honor the Mayor

#167-15 MEGAN RISEN, 47 Grafton Street, Newton Centre, appointed as a member of the PLANNING & DEVELOPMENT BOARD for a term to expire February 1, 2017. [06/19/15 @ 11:39PM]

ZONING & PLANNING APPROVED 5-0-2 (Baker and Hess-Mahan abstaining)

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, July 15, 2015

#171-15 THE ELECTION COMMISSION requesting that the Board of Aldermen order that the following question be placed on the November 3, 2015 ballot: “Shall a commission be elected to revise the charter of the City of Newton?”; and to allow

the names of charter commission candidates who have turned in nomination papers with the required 100 certified signatures to be placed on the ballot.

[07/06/15 @ 4:17PM]

PROGRAMS & SERVICES APPROVED 6-0-1 (Sangiolo abstaining; Leary not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, July 15, 2015

- #173-15 EVERSOURCE ENERGY requesting grant of location to install 55' ± of conduit in ELM STREET from Manhole #15996 northwesterly thence turning and running northeasterly to Pole # 137/3A to provide service to 111 Elm Street. [06/15/15 @ 12:04 PM]
PUBLIC FACILITIES APPROVED 7-0
- #129-15(2) COMMISSIONER OF PUBLIC WORKS requesting approval of the addition of a left turning lane from Winchester Street onto Nahanton Street. [06/11/15 @ 12:56 PM]
PUBLIC FACILITIES NO ACTION NECESSARY 7-0
- #245-12 RECODIFICATION COMMITTEE recommending that Chapter 11, RECYCLING AND TRASH as most recently amended by Ordinance Z-68 and Z-87, dated 6/21/10 and 5/16/11, respectively, be reviewed and be amended as necessary.
PUBLIC FACILITIES APPROVED 7-0

A MOTION TO SUSPEND THE RULES TO ACCEPT THE FOLLOWING LATE FILED ITEM TO THE DOCKET AND REFER TO COMMITTEE WAS APPROVED BY VOICE VOTE

REFERRED TO LAND USE COMMITTEE

- #191-15 46 SUFFOLK ROAD, LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to legalize an existing accessory apartment located in a detached garage at 46 SUFFOLK ROAD, Ward 7, Chestnut Hill, on land known as SBL 63, 16, 5, containing approximately 110,719 sf of land in a district zoned SINGLE FAMILY 1/OVERLAY A DISTRICT. Ref: Sec 30-24, 30-23, 30-8(d)(2) of the City of Newton Rev Zoning Ord, 2012.

A MOTION TO SUSPEND THE RULES TO ALLOW THE VICE CHAIR OF THE FINANCE COMMITTEE TO REPORT WITHOUT A WRITTEN REPORT ON TWO ITEMS THAT WERE TAKEN UP EARLIER IN THE EVENING WAS APPROVED BY VOICE VOTE.

REFERRED TO FINANCE COMMITTEE

#177-15 HIS HONOR THE MAYOR requesting authorization to appropriate of five thousand one hundred sixty-two dollars and twenty- two cents (\$5,162.22) from the Workers' Compensation Trust Fund for a claim of loss of function as a result of a left shoulder rotator cuff tear suffered in a work related injury. [07/08/15 @ 1:46 PM]

FINANCE APPROVED 4-0

REFERRED TO FINANCE COMMITTEE

#176-15 HIS HONOR THE MAYOR requesting authorization to transfer the sum of fifteen thousand dollars (\$15,000) from the Department of Public Works Stormwater Cleaning Catch Basins Account to the Department of Public Works Stormwater Wages for the purposes of funding additional work that was done toward the end of the fiscal year on stormwater infrastructure. [07/08/15 @ 1:47 PM]

FINANCE APPROVED AS AMENDED TO \$20,720 4-0

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF THE REAL PROPERTY REUSE COMMITTEE TO REPORT WITHOUT A WRITTEN REPORT ON AN ITEM THAT WAS TAKEN UP EARLIER IN THE EVENING WAS APPROVED BY VOICE VOTE.

REFERRED TO REAL PROPERTY REUSE COMMITTEE

#384-11(4) JOINT ADVISORY PLANNING GROUP and PLANNING & DEVELOPMENT DEPARTMENT filing their separate reports pursuant to Ordinance Sec. 2-7(2)b) identifying alternatives for the future use of the former Parks & Recreation site at 70 Crescent Street, Auburndale, which was declared surplus by the Board of Aldermen on February 6, 2012. (*Public Hearing opened and closed on February 26, 2013.*)

REAL PROPERTY REUSE HELD 4-0

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public Hearing assigned for September 9, 2015:

#187-15 NATIONAL GRID petitioning for a grant of location to install and maintain 404' ± of 12" gas main in RICHARDSON STREET from the existing 12" gas main at 32 Richardson Street easterly to the proposed 12" gas main in Centre Street and 2896' ± of 12" gas main in CENTRE STREET from the proposed 12" gas main in Richardson Street southerly to the proposed regulator station at CONVERSE AVENUE and 360' ± of 16" gas main in CENTRE STREET from the proposed regulator station southerly to the existing 10" gas main at Cabot Street. (Wards 1 & 2) [07/06/15 @ 11:10 AM]

Public Hearing assigned for September 9, 2015:

#188-15 COMCAST OF MASS petitioning for a grant of location to install 295' ± of conduit in BEECH STREET from Pole #194/1 southerly to Washington Street

and continuing 190' ± easterly on WASHINGTON STREET from Beech Street to 701 Washington Street. The petition also includes a request for two 3' x 3' handholes in the sidewalk at the property lines of 723 Washington Street and 709 Washington Street. (Ward 2) [07/22/15 @ 11:08 AM]

Public Hearing assigned for September 10, 2015:

#148-15(2) INTRUM COPORATION petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second 60,565 square-foot building to be connected to an existing office building, as well as a one-story parking deck, and to redesign existing parking facilities increasing the number of parking stalls from 215 to 379 at 180 WELLS AVENUE, Ward 8, on land known as SBL 84, 34A, 3, containing approximately 220,097 square feet of land in a district zoned LIMITED MANUFACTURING. Ref: 30-12(g)(2), 30-19(m) of the City of Newton Rev Zoning Ord, 2012 and Board Order nos. 276-68(3), 761-69, 734-72 (884-71). NOTE: Accompanying the petition is a request to amend the Deed Restriction adopted by Board Order #276-68(3), dated November 18, 1968, and subsequent amendments be further amended or waived to increase the Floor Area Ratio from .25 to .53, which exceeds the maximum of .25, to waive the minimum 40% open space requirement, and to allow a greater percentage of square footage in the office park to be dedicated to office space.

Public Hearing assigned for September 10, 2015:

#179-15 MYRTHA CHANG petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to install a new freestanding sign at 1349 CENTRE STREET, Ward 6, Newton Centre, on land known as SBL 62, 10, 1, containing approximately 10,579 sf of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 30-20(f)(1), 30-20(l) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for September 10, 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.

Public Hearing assigned for September 10, 2015:

#181-15 AYENG FONG & BINH NGUYEN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to add a third unit onto the rear of an existing two-family dwelling at 220-222 CALIFORNIA STREET, Ward 1, NONANTUM, on land known as SBL 11, 1, 16, containing approximately 9,510 sf of land in a district zoned BUSINESS 1. Rev: Sec30-24, 30-23, 30-11(d)(8), 03-19(h)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for September 10, 2015:

#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.

Public Hearing assigned for September 10, 2015:

#191-15 46 SUFFOLK ROAD, LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to legalize an existing accessory apartment located in a detached garage at 46 SUFFOLK ROAD, Ward 7, Chestnut Hill, on land known as SBL 63, 16, 5, containing approximately 110,719 sf of land in a district zoned SINGLE FAMILY 1/OVERLAY A DISTRICT. Ref: Sec 30-24, 30-23, 30-8(d)(2) of the City of Newton Rev Zoning Ord, 2012.