

## IN BOARD OF ALDERMEN

### BOARD ACTIONS

Monday, November 2, 2015

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

Absent: Ald. Fuller & Yates

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

- #150-15      ANTHONY DePASQUALE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to change an existing nonconforming use to another nonconforming use to convert an existing clubhouse to a multi-family dwelling with ~~five~~ four units, to waive one parking stall, and to allow parking within the front setback at 15 SOUTH GATE PARK, Ward 3, West Newton, on land known as SBL 33, 31, 9, containing ±14,120 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(d)(2), (g)(1), and (m) and 30-24(f) of the City of Newton Rev Zoning Ord, 2012. (*Public Hearing opened and continued on July 13 and August 4, 2015*)  
**LAND USE COMMITTEE CLOSED HEARING; APPROVED 5-0-3 (Cote, Harney, Schwartz abstaining) ON OCTOBER 13, 2015**  
**ITEM POSTPONED ON OCTOBER 19 TO DATE CERTAIN OF NOVEMBER 2**  
**APPROVAL FAILED TO CARRY 13 YEAS, 9 NAYS (Ald. Baker, Blazar, Cote, Gentile, Harney, Hess-Mahan, Kalis, Norton & Rice), 2 ABSENT (Ald. Fuller & Yates) (16 votes needed to approve special permits)**  
**MOTION TO RECONSIDER FILED BY ALD. HESS-MAHAN ON NOVEMBER 2, 2015**

**Clerk's Note:** The Chair of the Land Use Committee reported the item and noted that the committee felt that this was a question of whether this should be a three or four unit building. There likely would be parking underground either way. Ultimately the Committee approved four units rather than three. There will be access via either side of the underground garage.

It was noted that there are mostly one or two family units in the neighborhood. The Planning Department did an analysis that included 64 neighboring properties. The results of the analysis showed that there are no four family homes in the area. There are two 3-family and 62 single and two family units. The neighborhood would like approval of only three units.

There was praise for the amount of green space that the project included, as well as concerns with the density that this project will bring to the neighborhood.

Several Aldermen spoke in favor of the affordable unit that would be included. Four units, with one of them being affordable, would be a benefit to the neighborhood. It was felt by some that there are very few opportunities for this type of affordable housing and it was noted that this is the largest lot in the neighborhood and it would be a missed opportunity if not approved. There was also sentiment expressed that there is affordable housing that is already available in the city.

Concern was raised about the safety of the underground parking garage and some felt that it will be dangerous to implement the parking plan the developer is requesting. It was noted that parking and traffic were legitimate concerns but it was also expressed that these issues have been addressed appropriately.

A statement was made that this was an unusual looking building that did not fit into the neighborhood. Several Aldermen noted that the building was built before the neighborhood was developed and expressed support for preserving the building. It was felt by some that the building, once restored, will be a landmark building in the neighborhood and would be in keeping with what already exists. It was felt that this will become a more beautiful, and much improved building.

#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 APPROVED 6-0**

**MOTION TO POSTPONE TO A DATE CERTAIN OF NOVEMBER 16, 2015 APPROVED BY VOICE VOTE**

**Clerk's Note:** The Chair of the Real Property Reuse Committee reported that this item refers to the former Parks and Recreation Building. One issue discussed in committee was whether it would be handled by a private developer or if the City should retain ownership. The conclusion of the Committee was that the City would reserve a portion of the land for some type of compact housing and open space. Eight or twelve units were considered with a cap of twelve units; 50% of them would be affordable.

An Alderman stated that it is important to retain ownership of the land and do a modest housing project of eight units on close to 100,000 sq. ft. of the site with 50% being affordable. There is a strong sentiment by neighbors who would like this parcel to be only open space, however setting aside approximately 20,000 sq. ft. as open space could be used to enlarge the current open space area. It was hoped that a sentence could be added that would read, "The final site plan shall include approximately 20,000 sq. ft. of open space to be used to enlarge the playground/open space area."

It was asked that the number of units be a hard cap of eight for that site. Another suggested amendment would be improved public access to the Rev. Ford Playground and to have the City

continue to pursue the exploration of the acquisition of the adjacent EverSource property for further expansion of, or access to, the playground.

It was asked that the item be postponed to next board meeting on November 16, 2015.

#283-15      HIS HONOR THE MAYOR requesting authorization to appropriate one hundred fifty thousand dollars (\$150,000) from bonded indebtedness for the purpose of funding the installation of heat trace wiring for the City Hall roof *and to hire a building envelope specialist to assess the City Hall roof.* [09/28/15 @ 1:43 PM]  
**PUBLIC FACILITIES APPROVED 3-0-5 (Albright, Brousal-Glaser, Crossley, Lappin, Laredo abstaining) on 10/09/15**  
**FINANCE APPROVED 7-0 ON 10/14/15**  
**BOARD REFERRED BACK TO PUBLIC FACILITIES on 10/19/15**  
**PUBLIC FACILITIES APPROVED AS AMENDED 7-0**  
**MOTION TO AMEND THE ITEM TO APPROVE \$100,000 ONLY**  
**APPROVED BY VOICE VOTE**  
**MOTION TO APPROVE THE ITEM AS AMENDED 22 YEAS, 2 ABSENT**  
**(Ald. Fuller & Yates)**

**Clerk's Note:** The Chair of the Public Facilities Committee reported the item and stated that Commissioner Morse reported in committee that he had spoken again to the city roofer regarding the trace wiring and determined that he did not need the whole amount for the project as about half of the perimeter of the roof of City Hall has suffered from ice dams in the past and would need not more than \$100,000 to place it only in those areas that had suffered ice dam damage in the past. The additional \$50,000 could then be used to conduct an in-depth building envelope assessment by a qualified engineering company so that a long-term solution could be developed for the building. However, after the Public Facilities Committee took its vote, it was determined that bonded funds could not be used to fund the roof assessment. The Chair of Public Facilities noted that she will pursue other means of getting the roof assessment done and proposed that the Board amend the original request for \$150,000 to \$100,000 of bonding to be used for only the heat trace wiring.

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 2 ABSENT (Ald. Fuller & Yates) TO TAKE THE FOLLOWING ACTIONS:**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, October 20, 2015

*A Public Hearing was opened and continued on September 10, 2015:*

#147-15      BSL NEWTON DEVELOPMENT, LLC/ANDOVER NEWTON THEOLOGICAL SCHOOL petition for a SPECIAL PERMIT/ SITE PLAN APPROVAL and EXTENSION of a NONCONFORMING STRUCTURE to renovate the top two floors of an existing dormitory (Farwell Hall) to include 12 reconfigured dormitory rooms and to use the bottom three floors and a proposed

new attached structure for a 51-unit assisted living facility and to waive 28 parking stalls and various dimensional requirements of Sec 30-19 at 157 HERRICK ROAD, Ward 6, Newton Centre, on land known as SBL 65, 19, 45, containing approximately 871,960 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(b), 30-9(b)(2), 30-5(b)(2), 30-19(d)(4), (d)(5), (h)(1), (2)a and b), (h)(3), (h)(4), (i)(1), (j)(1), (k), and (m) of the City of Newton Rev Zoning Ord, 2012.

**HEARING CONTINUED TO NOVEMBER 17, 2015**

*A Public Hearing was opened on July 14, continued on August and continued on October 13, 2015:*

#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.

**HEARING CONTINUED TO NOVEMBER 17, 2015**

*A Public Hearing was opened and continued on September 10, and continued on October 13, 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.

**HEARING CONTINUED TO NOVEMBER 17, 2015**

**REFERRED TO ZONING & PLANNING COMMITTEE**

Monday, October 26, 2015

#227-15 SEANA GAHERIN et al. petition to rezone land known as Section 51, Block 041, Lot 0011 from MULTI RESIDENCE 1 to BUSINESS 1. [09/03/15 @ 1:15 PM]

**PUBLIC HEARING CLOSED; HELD 6-0**

- #196-15 TAMMY ARCURI et al. petition to rezone land known as Section 41, Block 6, Lots 11, 12, and Lot 13 1B located at 132 CHARLES STREET, AUBURNDALE, from MULTI RESIDENCE 2 to MANUFACTURING .  
**PUBLIC HEARING CLOSED; HELD 6-0**
- #23-15(2) ACTING DIRECTOR OF PLANNING & DEVELOPMENT requesting amendments to the official zoning map in order to correct discrepancies between Board of Aldermen actions and the boundaries of zoning districts as shown on the map and to better align zoning district boundaries with property lines and other features to reduce the number of split lots and other map anomalies as follows:
1. Change from SR2/SR3 to SR2:  
120 Olde Field Road SBL 81-051-0050E  
71 Brandeis Road SBL 81-051-0062
  2. Change from SR2/SR3 to SR3:  
127 Olde Field Road SBL 81-051-0050C  
84 Brandeis Road SBL 81-051-0050D  
76 Brandeis Road SBL 81-051-0063  
61 Brandeis Road SBL 81-051-0061
  3. Change from SR3 to SR1:  
121 Rachel Road SBL 83-027-0043
- PUBLIC HEARING CLOSED; HELD 6-0**

**REFERRED TO PROGRAMS & SERVICES COMMITTEE**

Wednesday, October 21, 2015

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #254-12 (3) PROGRAMS & SERVICES COMMITTEE proposing an ordinance to require a fee, charged to consumers, for the use of paper bags at certain retail establishments in the City of Newton. [01/10/14 @ 3:36 pm]  
**FINANCE NO ACTION NECESSARY 6-0**  
**PROGRAMS & SERVICES VOTED NO ACTION NECESSARY 7-0**
- #199-13 ALD. JOHNSON AND SANGIOLO requesting an update from the School Committee and School Department regarding the request from the Board of Aldermen to reduce the family cap on activity fees. [05/20/13 @ 11:05 PM]  
**NO ACTION NECESSARY 7-0**
- #59-14 ALD. HESS-MAHAN AND BLAZAR requesting discussion with the Executive Department and the Health Care Advisory Committee concerning plans to implement recommendations contained in the First Report of the Health Care Advisory Committee to control the cost of health insurance while improving or maintaining the quality of care. [02/18/14 @ 6:39 PM]  
**NO ACTION NECESSARY 7-0**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, October 21, 2015

#278-15 NSTAR ELECTRIC d/b/a EVERSOURCE ENERGY petitioning for a grant of location to install 97' ± of conduit in SPIERS ROAD southwesterly from pole 371/19 thence turning and running northwesterly 58' ± northeast of Kappius Path and install 520' ± of conduit in KAPPIUS PATH from the intersection of Spiers Road to a proposed manhole and continuing to a second proposed manhole. (Ward 8) [09/28/15 @ 10:55 AM]

**PUBLIC FACILITIES APPROVED WITH CONDITIONS 6-0 (Laredo not voting)**

#277-15 NSTAR ELECTRIC d/b/a EVERSOURCE ENERGY petitioning for a grant of location to install 297' ± of conduit and a manhole in HUNNEWELL CIRCLE from existing Manhole # 11183 located at the intersection of Hunnewell Circle and Washington Street northeasterly to proposed Manhole 30186 in Hunnewell Circle. (Ward 1) [09/21/15 @ 4:15 PM]

**PUBLIC FACILITIES APPROVED 6-0 (Laredo not voting)**

#102-06(16) HIS HONOR THE MAYOR requesting the necessary approvals for implementation of geometric roadway improvements at the intersection of LaGrange Street/Vine Street/Corey Street to be designed and funded through a contribution from Chestnut Hill Realty Development, LLC, as outlined in Special Permit Board Order #102-06(12), Condition 35. [09/28/15 @ 3:29 PM]

**PUBLIC FACILITIES APPROVED 6-0 (Laredo not voting)**

#189-15 ALD. ALBRIGHT, JOHNSON, HESS-MAHAN requesting a discussion with the Department of Public Works re contract provisions for staging materials and the removal of excavate or other unsightly materials stored/created as a result of work under contract with the City, specifically to understand the provision that allowed contractor(s) to store excavate from the Lowell Avenue reconstruction project on Washington Street across from a residential neighborhood. [07-31-15 @9:34AM]

**PUBLIC FACILITIES NO ACTION NECESSARY 7-0**

**REFERRED TO FINANCE COMMITTEE**

#295-15 HIS HONOR THE MAYOR requesting authorization to transfer the sum of ten thousand five hundred seventy dollars (\$10,570) from the City Clerk Full-time Salaries Account to the following accounts:

Printing	
(0110102-5342).....	\$3,310
Postage	
(0110102-5341).....	\$7,200 \$7,260

**FINANCE APPROVED AS AMENDED 5-0 (Norton not voting)**

#294-15 HIS HONOR THE MAYOR requesting authorization to accept and expend a Massachusetts Board of Library Commissioners grant in the amount of sixteen thousand seven hundred nine dollars (\$16,709) received as part of the administration of federal Library Services and Technology Act grants to expand the STEAM and computer coding programming to include robotics at the Main Library. [10/14/15 @ 2:55 PM]

**FINANCE APPROVED 6-0**

#259-14(3) HIS HONOR THE MAYOR requesting approval of the following Order and Schedule of Sewer Assessments for completed Common Sewer Extensions in Aspen Avenue, Studio Road and Hawthorne Avenue:

<u>SBL</u>	<u>Names &amp; Address of Owner</u>	<u>BK/PG</u>	<u>Amount</u>
43-37-09	Lasell College 239 Woodland Road	9135/268	\$5,529.50
43-36-03	Jerrold C. and Lisa A. Capasso 81 Vista Avenue	61174/280	\$6,127.50
43-37-10	Daniel and Shirley Yen Matloff 21 Studio Road	54242/249	\$3,063.75
43-37-11	James E. and Kathleen W. Muller 29 Studio Road	30379/29	\$3,063.75
43-37-12	Omer A. Mendolson and Woo Chul Jung 35 Studio Road	60956/66	\$3,063.75
43-37-13	Kevin R. Shea and Judith Richland 47 Studio Road	22400/129	\$4,990.00
43-37-14	Susan Sansby 67 Studio Road	32299/352	\$5,321.25
43-35-09	Mahmoud and Afarin Kebati 6 Aspen Avenue	24770/205 & 22215/69	\$3,870.00
43-35-08	Ronald A. and Angela M. Marini 14 Aspen Avenue	42729/58	\$2,180.75
43-35-07	Carol Salter 24 Aspen Avenue	49541/392	\$1,912.75
43-46-36	Susan Rosen Shishko 27 Aspen Avenue	1333/68 Cert. No. 238769	\$1,815.00
43-46-28	Robert Anderson Stuart-Vail 33 Aspen Avenue	34673/496	\$2,583.25
43-46-27	Maria Bianchi Rosen 41 Aspen Avenue	50933/5	\$3,741.00
43-36-02	Sisters of Charity Supporting Corporation 50 Aspen Avenue	27551/117	\$4,192.50
43-46-26	Timothy P. Moore and Deborah W. Moore 55 Aspen Avenue	1128/82 Cert. No. 199632	\$4,998.75
43-46-25	Frank E. Litwin and Barbara A. Weiler 63 Aspen Avenue	24498/359	\$4,773.00
43-46-24	Annette L. Baker 75 Aspen Avenue	25222/538	\$3,483.00
43-35-01	Helen R. Wallstrom	7042/290	\$5,224.50

43-35-02	51 Hawthorne Avenue John H. and Anne W. Freitas	22758/87 & 12298/90	\$2,483.25
43-35-03	57 Hawthorne Avenue Robert M. Kelley and Kristen D. Kelley	57313/157	\$3,708.75
43-35-04	63 Hawthorne Avenue Jean K. and Charles R. Jr., Mixer	33129/492	\$2,322.00
43-36-01	73 Hawthorne Avenue Robert and Kimly Lynn Hanlon	46406/45	\$5,579.25
43-35-05	78 Hawthorne Avenue Mark A. and Andrea L. Mahoney	53536/360	\$2,418.75
43-35-06	79 Hawthorne Avenue Matthew J. and Deborah B. Kuronen	63628/39	\$2,354.25
43-46-29	85 Hawthorne Avenue Marc and Donna Heimlich	1327/16	\$1,804.25
43-46-35	96 Hawthorne Avenue John J. Cronin, Jr. and Stelita M. Cronin	Cert. No. 237819 810/9	\$1,560.00
43-46-30	97 Hawthorne Avenue Helen K. Foo	Cert. No. 135959 62392/463	\$2,232.75
43-46-34	98 Hawthorne Avenue John J. Aber and Tracy J. Aber	1262/46	\$1,378.00
43-46-33	101 Hawthorne Avenue Barry Robinson and Kelly Park	Cert. No. 226396 1325/139	\$1,508.00
43-46-31	107 Hawthorne Avenue Yee Sun and Xiaoye He	Cert. No. 237642 65616/20	\$2,786.50
43-46-32	110 Hawthorne Avenue Qingyun Yan and Yimin Zhu	1448/141	\$1,971.25
	111 Hawthorne Avenue	Cert. No. 256015	

**FINANCE APPROVED 6-0****REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #464-14 ALD. SANGIOLO requesting discussion with the Department of Veteran's Services and the Executive Department regarding updates on programming at the Newton Senior Center and budgeting for new initiatives. [11/24/14 @ 3:41 PM]  
**PROGRAMS & SERVICES VOTED NO ACTION NECESSARY 7-0 on 10/09/15**  
**FINANCE NO ACTION NECESSARY 6-0**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #254-12 (3) PROGRAMS & SERVICES COMMITTEE proposing an ordinance to require a fee, charged to consumers, for the use of paper bags at certain retail establishments in the City of Newton. [01/10/14 @ 3:36 pm]  
**PROGRAMS & SERVICES VOTED NO ACTION NECESSARY 7-0 on 10/21/15**  
**FINANCE NO ACTION NECESSARY 6-0**



**REFERRED TO REAL PROPERTY REUSE COMMITTEE**

Tuesday, October 27, 2015

- #287-11(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 Newton Centre Library/Health Department building at 1294 Centre Street, Newton Centre, which was declared surplus by the Board of Aldermen on March 5, 2012. (*Public Hearing opened and closed on January 29, 2013.*)  
**REAL PROPERTY REUSE APPROVED 5-0 (Leary not voting)**

**REFERRED TO LAND USE COMMITTEE**

October 29, 2015

*The public hearing was opened and continued on June 2, June 9, July 21, September 24, and October 6:*

- #119-15 **AUSTIN STREET PARTNERS, LLC/CITY OF NEWTON** petition for a **SPECIAL PERMIT/SITE PLAN APPROVAL** to redevelop an existing municipal parking lot, declared surplus by the Board of Aldermen on February 6, 2012, into a mixed use residential building providing 68 units of housing, approximately 5,000 sf of commercial space, approximately 90 underground parking spaces appurtenant to the proposed residences and commercial space and 127 public parking spaces at grade at 28 AUSTIN STREET, Ward 2, Newtonville, on land known as SBL 24, 9, 15, containing approximately 74,480 sf of land in a district zoned MIXED USE 4. Ref: Sec. 30-24, 30-23, 30-21(b), 30-15(w)(2), (w)(4)b), 30-15 Table 3, 30-13(h), (h)(2) Table B, 30-13(j)(1), (2), and (3), 30-19(d)(2), (10), (11), (12), and (13), 30-19(e), 30-19(h)(1), (2)a) and b), 30-19(i)(1) and (2), 30-19 (j)(1), 30-19 (k); 30-19 (l) Table 3, and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.  
**HEARING CONTINUED TO NOVEMBER 10, 2015**

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

*The following item was filed after the close of the docket and requires a suspension of the Rules to be referred to Committee:*

- #102-06(17) **CHESTNUT HILL REALTY** requesting a modification to Board Order #102-06(14) for a common sewer extension and water main in Lagrange Street by relocating the sewer extension to BRYON ROAD from an existing manhole in Bryon Road extending 190' ± northerly to a proposed manhole in Lagrange Street. [10/29/15 @ 2:21 PM]

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

*Public hearing assigned for November 16, 2016:*

#315-15 DIRECTOR OF ASSESSMENT ADMINISTRATION submitting for Board of Aldermen review and approval the FY 16 Municipal Property Tax Levy Distribution Percentages among residential, open space, commercial and industrial classes of Real Property. [10/26/15 @ 1:20 PM]-

*Public Hearing assigned for November 17, 2015:*

#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.

*Public hearing assigned for November 18, 2015*

#102-06(17) CHESTNUT HILL REALTY requesting a modification to Board Order #102-06(14) for a common sewer extension and water main in Lagrange Street by relocating the sewer extension to BRYON ROAD from an existing manhole in Bryon Road extending 190' ± northerly to a proposed manhole in Lagrange Street. [10/29/15 @ 2:21 PM]