

IN BOARD OF ALDERMEN

BOARD ACTIONS

Wednesday, January 22, 2014

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

Absent: Ald. Albright

Clerk's Note: Meeting was postponed from January 21, 2014 to January 22, 2014 due to a snow storm that closed City Hall on January 21.

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

REFERRED TO LAND USE COMMITTEE

Tuesday, January 14, 2014

#330-13(2) DONNY & RAQUEL SANTANGELO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to connect an existing two-family dwelling to an existing detached garage with living space above, which will increase the Floor Area Ratio from .47 to .62 where .48 is the maximum allowed by right, at 3-5 MILTON AVENUE, Ward 4, West Newton, on land known as SBL 44, 14, 70, 71, containing approximately 6,962 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15 Table A and 30-15(u) of the City of Newton Rev Zoning Ord, 2012.

WITHDRAWAL WITHOUT PREJUDICE LAND USE APPROVED 7-0 (Harney not voting)

#424-13 UBC EQUITY PARTNERS, LLC/KS RETAIL MANAGE, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a future potential mixture of office, retail, services, restaurant, and storage uses, which will involve no proposed physical changes, in an existing building and to waive 37 parking stalls or to allow, if necessary, 40 off-site parking stalls in addition to the existing 185 parking stalls at 19-33 NEEDHAM STREET, Ward 5, Newton Upper Falls, on land known as SBL 51, 28, 25B, 25C, 25D, containing approximately 109,396 sf of land in a district zoned MIXED USE 1. Ref: Sec 30-24, 30-23, 30-13(b)(1), (3), (4), (5), 30-19(f)(1), (2) *or* 30-19(c)(3), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

HEARING CONTINUED TO FEBRUARY 11, 2014

- #412-13 LOUIS FRANCHI, TRUSTEE petition for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE for waivers from the parking stall requirement for up to 15 parking stalls including stall dimensions, maneuvering aisle widths, end-stall maneuvering space, minimum entrance and exit driveway widths; tandem parking; perimeter and interior landscaping requirements; lighting, curbing, surfacing, and maintenance requirements; and, parking within the setbacks for an existing commercial/warehouse/storage building at 425-433 WATERTOWN STREET, Ward 1, on land known as SBL 14, 8, 6, containing approximately 18,470 sf of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 39-19(c), (d), (h)(1),(2)a), (2)b), (2)e), (3)a), (3)b), (4)a), (5)a), (i)(1), (i)(2), (j), (m), 30-21(a)(2)a) of the City of Newton Rev Zoning Ord, 2012.
HEARING CONTINUED TO FEBRUARY 4, 2014
- #405-13 SAMUEL J. & TAMI M. WALD petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to enclose space below a first floor deck in order to expand a basement play room, which will include re-building the deck, thereby increasing the Floor Area Ratio from .60 to .63, where .39 is the maximum allowed by right, at 176 HOMER STREET, Ward 6, Newton Centre, on land known as SBL 64, 32, 30, containing approximately 9,270 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u) and Table A of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; LAND USE APPROVED 8-0
- #422-13 ARTHUR ULLIAN, BENJAMIN ULLIAN TRUST, ARTHUR, DORA & BENJAMIN ULLIAN TRUSTEES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert an existing detached structure at 76 HYDE AVENUE into a ± 600-square-foot accessory apartment connected to the main swelling by a pergola structure, Ward 7, Newton, on land known as SBL 72, 23, 57, containing approximately 37,405 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-8(d)(2) of the City of Newton Rev Zoning Ord, 2012
HEARING CLOSED; LAND USE APPROVED 8-0
- #423-13 KEY POINT PARTNERS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to locate a full-service veterinary hospital in an existing retail building at 215 NEEDHAM STREET, Ward 5, Newton Upper Falls, on land known as SBL 51, 28, 8G, containing approximately 70,847 sf of land in a district zoned MIXED USE 1. Ref: Sec 30-24, 03-23, 30-13-(b)(14) of the City of Newton Rev Zoning Ord, 2012, and Special Permit #610-89.
HEARING CLOSED; LAND USE APPROVED 8-0

#425-13 LISA B. & JEFFREY B. MILLER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct a one-story addition to the kitchen at the rear of an existing single-family dwelling, which will increase the Floor Area Ratio from .43 to .47, where .46 is the maximum allowed by-right and increase the maximum lot coverage from 32% to 35%, where 30% is the maximum, at 183 ADAMS AVENUE, Ward 3, West Newton, on land known as SBL 34, 32, 10, containing approximately 4,414 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table A, 30-15(u) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; LAND USE APPROVED 8-0

#371-13 JACOB & ASSOCIATES
1232 Washington Street
West Newton 02465 (Class 2)
LAND USE APPROVED 8-0

#377-13 KARIM MANSOUR NEWTON CENTRE SHELL, INC.
1365 Centre Street
Newton Centre 02459 (Class 2)
LAND USE APPROVED 8-0

#380-13 NTC-NEWTON TRADE CENTER
103 Adams Street
Nonantum 02458
LAND USE APPROVED 8-0

#382-13 PARAGON GLOBAL PARTNERS, INC.
259 Walnut Street
Newtonville 02460 (Class 2)
LAND USE APPROVED 8-0

#386-13 SAM'S AUTO CENTER
875 Washington Street
Newtonville 02460 (Class 2)
LAND USE APPROVED 8-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, January 8, 2014

Appointment by His Honor the Mayor

#430-13 HATTIE KERWIN DERRICK, 197 Spiers Road, Newton Centre, appointed as a member of the HUMAN RIGHTS COMMISSION for a term to expire December 4, 2016. (60 days 2/14/14) [12/06/13 @ 9:53 AM]
PROGRAMS & SERVICES APPROVED 8-0

REFERRED TO PROGRAMS & SERV. AND PUBLIC FACILITIES COMMITTEES

- #315-12 ALD. FULLER, RICE AND GENTILE of the Angier School Building Committee providing updates and discussion on the Angier School Building project as it develops through the site plan approval process.
PUB. FACIL. VOTED NO ACTION NECESSARY 6-0 on 11/16/13
PROGRAMS & SERVICES NO ACTION NECESSARY 8-0

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, January 8, 2014

- #13-14 TRAFFIC COUNCIL CHAIR providing the Annual Report on the work of the Traffic Council for 2013 pursuant to Section 19-30(g) of the City of Newton Revised Ordinances 2012. [12/18/13 @ 3:40 PM]
PUBLIC SAFETY NO ACTION NECESSARY 7-0
- #299-12 DIRECTOR OF PLANNING & DEVELOPMENT, requesting a discussion regarding a policy-based management plan for parking. [09/24/12 @ 3:17 PM]
PUBLIC SAFETY NO ACTION NECESSARY 7-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, January 8, 2014

- #416-13 NSTAR ELECTRIC petitioning for grants of location as follows:
WISWALL ROAD install 57' ± of conduit in an easterly direction from Pole #232/20# to Kerr Path.
KERR PATH install 495' ± of conduit in a southeasterly direction to Osborne Path.
OSBORNE PATH install 310' ± of conduit in a northeasterly direction from #65 Osborne Path to #49 Osborne Path. (Ward 8) [11/22/13 @ 11:24 AM]
PUBLIC FACILITIES APPROVED 7-0
- #415-13 VERIZON NEW ENGLAND, INC. petitioning for a grant of location to install 67' ± of conduit in a northerly direction in Walnut Street from an existing manhole to 246 Walnut Street. (Ward 2) [11/19/13 @ 12:33 PM]
PUBLIC FACILITIES APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #17-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one million five hundred thousand dollars from Budget Reserve – Snow and Ice Removal Account to the following accounts:

Personnel Costs – Overtime
(0140110-513001).....\$500,000

Controllable Expenditures – Sand & Salt
(0140110-5532).....\$1,000,000
[12/30/13 @ 4:34 PM]

PUBLIC FACILITIES APPROVED 7-0

REFERRED TO FINANCE COMMITTEE

Monday, January 13, 2014

#16-14 **HIS HONOR THE MAYOR** requesting authorization to expend a two hundred eleven thousand five hundred sixteen dollar (\$211,516) reimbursable grant from the Commonwealth of Massachusetts to fund police overtime costs. [12/30/13 @ 4:34 PM]

FINANCE APPROVED 8-0

#19-14 **HIS HONOR THE MAYOR** requesting authorization to transfer the sum of forty thousand dollars (\$40,000) from the Public Buildings Salaries Account to a Public Buildings Capital Account to cover the costs for the emergency replacement of the boiler at the Hawthorne Field House at Pellegrini Park in Nonantum. [01/06/14 @ 10:14]

FINANCE APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#17-14 **HIS HONOR THE MAYOR** requesting authorization to transfer the sum of one million five hundred thousand dollars from Budget Reserve – Snow and Ice Removal Account to the following accounts:

Personnel Costs – Overtime
(0140110-513001).....\$500,000
Controllable Expenditures – Sand & Salt
(0140110-5532).....\$1,000,000
[12/30/13 @ 4:34 PM]

PUBLIC FACILITIES APPROVED 7-0 on 01/08/14

FINANCE APPROVED 8-0

#15-14 **HIS HONOR THE MAYOR** requesting rescission of the thirty thousand dollar (\$30,000) appropriation voted under Board Order #164-13 on May 20, 2013 for the purpose of funding a needs assessment of the senior population. The Newton Health Care Center has agreed to fund the assessment in its entirety. [12/30/13 @ 4:34 PM]

FINANCE NO ACTION NECESSARY 8-0

THE FOLLOWING PUBLIC HEARINGS WERE ASSIGNED:

Public Hearing assigned for February 11, 2014:

#330-13(3) DONNY & RAQUEL SANTANGELO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE in order to connect an existing two-family dwelling to an existing detached garage with living space above, which will increase the Floor Area Ratio from .47 to .62 where .48 is the maximum allowed by right, at 3-5 MILTON AVENUE, Ward 4, West Newton, on land known as SBL 44, 14, 70, 71, containing approximately 6,962 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(a)(2)a) and (b), 30-15 Table A and 30-15(u) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for February 11, 2014:

#21-14 CHRISTOPHER HILL & SUSAN FLICOP petition for a SPECIAL PERMIT/SITE PLAN APPROVAL/EXTENSION OF A NONCONFORMING STRUCTURE to construct a one-story attached two-car garage with a back foyer entry, increasing the square footage by 655 square feet and the Floor Area Ratio from .34 to .41 where .29 is allowed by right at 163 SUFFOLK ROAD, Ward 7, Chestnut Hill, on land known as SBL 63, 19, 3 and 4, containing an approximate total of 17,976 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table A, 30-15(u) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for February 11, 2014:

#22-14 NEWTON VILLAGE CAFÉ/PETER & KATHY MIROGIANNIS, TRUSTEES of MIROGIANNIS FAMILY REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to expand an existing 21-seat restaurant to 53 seats and to formalize 6 outdoor seats for a total of 60 seats; to waive the 14 parking stalls required by the addition seating; and, to legalize the existing signage including a freestanding sign at 719 WASHINGTON STREET, Ward 2, Newtonville, on land known as SBL 23 19, 4A, containing approximately 4,189 sq. ft. in a district zoned BUSINESS 2. Ref: 30-24, 30-23, 30-11(d)(9), 30-19(d)(13) and (m) and 30-20(f)(2) and (l) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for February 11, 2014:

#23-14 ALBERT PINKHASOV petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for walls of more than 4 feet in the setback at 79 LOVETT ROAD, Ward 8, Newton Centre, on land known as SBL 82, 15, 97, containing approximately 16,004 square feet of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.