

REPORTS DOCKET

Feb. 4: Land Use Continued
Feb. 5: Public Safety & Transportation; Public Facilities Page 25
Feb. 10: Finance; Zoning & Planning Monday, February 3, 2014
Feb. 11: Land Use 7:45 PM, Newton City Hall
To be reported on
TUESDAY, FEBRUARY 18, 2014

CITY OF NEWTON

IN BOARD OF ALDERMEN

UNFINISHED BOARD BUSINESS

A motion to reconsider the following items was filed on 2/4/14 by Ald. Norton:

REFERRED TO PUBLIC SAFETY AND FINANCE COMMITTEES

#422-13 ALD. JOHNSON AND DANBERG requesting an amendment to Section 19-9 of the City of Newton Ordinances to raise the overnight parking fine from \$5 to \$25 effective ~~February 1~~, November 1, 2014. [12/02/13 @ 11:06 AM]
FINANCE APPROVED 3-0-1 (Fuller abstaining) on 12/09/13
PUBLIC SAFETY & TRANSPORTATION APPROVED AS AMENDED 7-0 (Fuller not voting) on 1/22/14

#422-13(2) PUBLIC SAFETY & TRANSPORTATION COMMITTEE requesting an amendment to Section 19-9 of the City of Newton Ordinances to raise the overnight parking fine from \$5 to \$25 to include *trailers* effective *November 1, 2014*.
PUBLIC SAFETY & TRANSPORTATION APPROVED 7-0 (Fuller not voting) on 1/22/14

REFERRED TO LAND USE COMMITTEE

Tuesday, February 4, 2014

Present: Ald. Laredo (Chairman), Albright, Cote, Crossley, Lennon, Lipof, and Schwartz;
absent: Harney; also present: Ald. Fuller

REFERRED TO LAND USE AND FINANCE COMMITTEES

#79-12(2) COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of nine hundred ten thousand one hundred seventy-nine dollars (\$910,179) from the Community Preservation Fund to the Planning & Development Department for a grant to Myrtle Village, LLC, to create 7 units of permanently affordable rental housing at 12 and 18-20 Curve Street, West Newton, as described in the proposal submitted in August – October 2013.
FINANCE TO MEET
APPROVED 7-0

The Public Hearing on the following item was opened on January 14, 2014 and continued to February 4:

#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 CLOSED; APPROVED 7-0

#188-12 ALD. HESS-MAHAN requesting a discussion regarding the types of information that should be required from petitioners applying for a special permit to exceed FAR under Sec. 30-15(u)(2) in order to meet their burden of proof to show that the “proposed structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood.”

NO ACTION NECESSARY 7-0

#290-13 ALD. LAREDO, ALBRIGHT, HARNEY & CROSSLEY requesting a review of the process whereby conditions contained in special permits are tracked and monitored for compliance and a discussion of how that process can be improved.

HELD 7-0

2014 Class 2 Automobile Dealer Licenses

#368-13 ENZO’S AUTO SALES

10 Hawthorn Street

Nonantum 02458

APPROVED 7-0

#372-13 L. A. AUTO BODY, INC.

41 Los Angeles Street

Nonantum 02458

APPROVED 7-0

#380-13 NTC-NEWTON TRADE CENTER

103 Adams Street

Nonantum 02458

APPROVED 7-0

#389-13 CATALINA & JOHN BORTONE d/b/a VELOCITY MOTORS, INC.
 14 Hawthorn Street
 Nonantum 02458
APPROVED 7-0

REFERRED TO LAND USE COMMITTEE

Tuesday, February 11, 2014

Present: Ald. Laredo (Chairman), Ald. Albright, Cote, Crossley, Harney, Lennon, Lipof, and Schwartz; also present: Ald. Fuller and Norton

Public Hearings were held on the following petitions:

The public hearing on the following item was opened on January 14 and continued to February 11.

#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 MARCH 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.

HEARING CLOSED; APPROVED 8-0

#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, which will increase 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.

HEARING CLOSED; APPROVED 7-0 (Laredo recused)

#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 additional 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.

HEARING CLOSED; APPROVED 8-0

#23-14 ALBERT PINKHASOV petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for walls of more than 4 feet in the setback at 78 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.

HEARING CONTINUED TO MARCH 4, 2014

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, February 10, 2014

Present: Ald. Johnson (Chairman), Danberg, Baker, Kalis, Leary, Yates, Hess-Mahan and Sangiolo; also present: Ald. Crossley, Norton, Blazar and Schwartz

Appointment by His Honor the Mayor

#27-14 Laurie Malcom, 95 Algonquin Road, Chestnut Hill, appointed as a member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire December 24, 2016. (60 days 03/22/14) [01/08/14 @ 12:46 PM]
APPROVED 7-0 (Sangiolo not voting)

#408-13 ALD. BAKER requesting discussion of potential impacts resulting from recent changes in the National Flood Insurance Program as it may relate to Newton properties. [10/19/13 @ 4:25 PM]
NO ACTION NECESSARY 8-0

#214-12 ALD. DANBERG, BLAZAR, & SCHWARTZ proposing an ordinance which would enable the city to respond to properties which are so inadequately cared for, often by absentee owners, as to constitute a nuisance, not only to properties nearby but also to the public at large, with the understanding that timely intervention may help prevent the loss of such properties to severe neglect, excess accumulation of trash or unsightly collectables, inside or out, or even eventual abandonment. [07/10/12]
APPROVED 5-1-2 (Sangiolo opposed; Johnson and Hess-Mahan abstaining)

- #404-13 NATASHA STALLER et al. requesting a revision to the zoning District boundary Lines so as to transfer from Multi-Residence 1 District to a Single Residence 3 District the following properties:
Assessors' parcels SBL nos. 61-037-0004 through 61-037-0013; 61-042-0007 through 61-042-0023; 65-019-0001; 65-019-0007 through 65-019-0012; 65-019-0014 through 65-019-0022; 65-019-0009A; 65-019-0017B and 65-019-0022A.
Also requesting transfer from a Single Residence 2 District to a Single Residence 3 District SBL no. 65-019-0015A. [11/01/13 @ 12:57 PM]
APPROVED 5-0-2 to exclude 50 and 74 Braeland Avenue (Hess-Mahan and Leary abstaining; Danberg recused)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Monday, February 10, 2014

Present: Ald. Crossley (Chairman), Lennon, Albright, Salvucci, Danberg, and Lappin; absent: Ald. Gentile and Laredo; also present: Ald. Ciccone, Norton, Rice, Blazar, Fuller, and Baker

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #38-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of two hundred seventy-five thousand dollars (\$275,000) from Budget Reserve for Snow and Ice Removal to the Public Works Department. [01/27/14 @ 12:53 PM]
FINANCE APPROVED AS AMENDED 7-0 @ \$1.275 Million on 02/10/14
APPROVED AS AMENDED @\$1.275 Million 6-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #39-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred thousand dollars (\$100,000) from the Stormwater Surplus Fund to conduct an assessment of the City's stormwater system and to develop a stormwater Infrastructure Improvement Plan. [01/27/14 @ 12:53 PM]
FINANCE APPROVED 7-0 on 02/10/14
APPROVED 5-0 (Albright not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #40-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one million three hundred eight thousand four hundred ninety-three dollars from the Operating Sewer Reserve Fund to the following projects:

Project Area 2 Design for the Auburndale, Lower Falls, and West Newton areas, and \$181,500

Project Areas 3 & 4 inspection and assessment for the Lower Falls, Newton Centre, Newtonville, and Chestnut Hill areas. [01/27/14 @ 12:53 PM] \$1,126,993

FINANCE APPROVED 7-0 on 02/10/14

APPROVED 6-0

REFERRED TO FINANCE COMMITTEE

Monday, February 10, 2014

Present: Ald. Fuller (Acting Chairman), Ciccone, Norton, Salvucci, Rice, Blazar, and Lappin;
absent: Ald. Gentile; also present: Ald. Crossley, Lennon, Albright, Danberg, and Baker

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#40-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one million three hundred eight thousand four hundred ninety-three dollars from the Operating Sewer Reserve Fund to the following projects:

Project Area 2 Design for the Auburndale, Lower Falls, and West Newton areas, and	\$181,500
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Project Areas 3 & 4 inspection and assessment for the Lower Falls, Newton Centre, Newtonville, and Chestnut Hill areas.	\$1,126,993
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[01/27/14 @ 12:53 PM]

PUBLIC FACILITIES APPROVED 6-0 on 02/10/14

APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#38-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of two hundred seventy-five thousand dollars (\$275,000) from Budget Reserve for Snow and Ice Removal to the Public Works Department. [01/27/14 @ 12:53 PM]

PUBLIC FACILITIES APPROVED AS AMENDED 6-0 @ \$1.275 million on 02/10/14

APPROVED 7-0 AS AMENDED @ \$1.275 Million

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#39-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred thousand dollars (\$100,000) from the Stormwater Surplus Fund to conduct an assessment of the City's stormwater system and to develop a stormwater Infrastructure Improvement Plan. [01/27/14 @ 12:53 PM]

PUBLIC FACILITIES APPROVED 5-0 (Albright not voting) on 02/10/14

APPROVED 7-0

#37-14 HIS HONOR THE MAYOR requesting authorization to settle a legal claim and transfer the sum of seventy-five thousand dollars (\$75,000) from the Liability Self Insurance Fund to the Law Department Judgment and Settlements Account for the purpose of repairing the basement of property on Union Street damaged by the City. [01/27/14 @ 12:54 PM]

APPROVED 7-0

- #35-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of forty thousand dollars (\$40,000) from accrued saving in the Executive Department's Salary Accounts to fund the remainder of the design of the Manet Road Emergency Communications Facility including site modifications and tower optimization. 01/27/14 @12:53 PM]
APPROVED 7-0
- #36-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of sixteen thousand nine hundred eighteen dollars and seventy-eight cents (\$16,918.78) from Fiscal Year 2014 Budget Reserve for the settlement of a loss of function and disfigurement claim. [01/29/14 @ 11:42 AM]
APPROVED 7-0
- #432-13 COMPTROLLER requesting that the Board of Aldermen select a qualified public accounting firm to complete the City's annual financial audit for Fiscal years 2014 to 2018. [12-04-13 @ 10:42 AM]
APPROVED 6-0-1 (Ciccone abstaining)
- Re-appointment by His Honor the Mayor
 #32-14 JAMES E. SHAUGHNESSY, 12 Northgate Road, Chelmsford, re-appointed to the City of Newton Board of Assessors for a term to expire February 1, 2017. (60 days - 04/14/14) [01/22/14 @ 12:45 PM]
APPROVED 7-0
- Re-appointment by His Honor the Mayor
 #33-14 ELIZABETH DROMEY, 15 Horace Road, Belmont, re-appointed to the BOARD OF ASSESSORS for a term expiring on February 1, 2016. (60 days - 04/14/14) [01/22/14 @ 12:45 PM]
APPROVED 7-0

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, please contact the Newton ADA Coordinator, Joel Reider, at least two days in advance of the meeting: jreider@newtonma.gov or 617-796-1145. For Telecommunications Relay Service dial 711.