

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, March 17, 2014

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

Absent: Ald. Albright, Rice & Sangiolo

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 3 ABSENT (Ald. Albright, Rice & Sangiolo) TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

Tuesday, March 4, 2014

#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.

PUBLIC HEARING CONTINUED TO MARCH 18, 2014

#20-14 ALD. ALBRIGHT, CROSSLEY, LARREDO, SCHWARTZ requesting a discussion between the LAND USE COMMITTEE and the ECONOMIC DEVELOPMENT COMMISSION regarding permitting processes and their impacts up small business attraction and creation in village centers.

LAND USE NO ACTION NECESSARY 7-0

REFERRED TO LAND USE COMMITTEE

Tuesday, March 11, 2014

#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 APRIL 8, 2014

#44-14 CAFÉ SANTIAGO, LLC/DAVID T. ZUSSMAN, TRUSTEE petition for a SPECIAL PERMIT /SITE PLAN APPROVAL to locate a restaurant of more than 50 seats, to waive the 14 parking stalls associated with the proposed restaurant, and to allow cooking classes on-site at 105 UNION STREET, Ward 6, NEWTON CENTRE, on land known as SBL 61, 36, 9, containing approximately 31,455 sq. ft. of land in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-11(d)(9), (13), 30-19(c)(3) (d)(13), and (m), 30-5(b)(2) of the City of Newton Rev Zoning Ord, 2012.

HEARING CONTINUED TO APRIL 8, 2014

#42-14 HEATHER & ALLEN SUSSMAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL ~~to EXTEND A NONCONFORMING STRUCTURE~~ to add a bay in front of the existing single-car garage to create a two-car garage and to construct additions to the first and second floors, which will increase the Floor Area Ratio from .28 to .43, where .39 is allowed at 58 FERNCROFT ROAD, Ward 5, Waban, on land known as SBL 53, 8, 3, containing approximately 9,483 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u), and 30-21(b) of the City of Newton Rev Zoning Ord, 2012/

HEARING CLOSED; LAND USE APPROVED 8-0

#387-13 SONOMA CLASSICS LLC.
1215 Chestnut Street/145 Wells Avenue
Newton

LAND USE APPROVED 8-0

#43-14 SALOMEH SADRI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow an accessory apartment in a single-family dwelling at 21 COURT STREET, Ward 2, NEWTONVILLE, on land known as SBL 23, 16, 13, containing approximately 5,498 sq. ft. in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(h), 30-19(d)(19), 30-19(g) and (1) and (2) of the City of Newton Rev Zoning Ord, 2012.

HEARING CONTINUED TO DATE TO BE DETERMINED

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, March 10, 2014

#296-13 ALD DANBERG proposing amendment to **Sec. 30-24(f) Inclusionary Zoning** by reorganizing and clarifying the provisions regarding purchaser and renter income limits and sale and rental price limits. [08/26/13 @ 12:30PM]
Public Hearing opened on February 24 2014

HEARING CLOSED; ZONING & PLANNING APPROVED 6-0 (Baker, Kalis not voting)

- #294-13 ALD. DANBERG proposing amendment to **Sec.30-24(f) Inclusionary Zoning** to clarify the limitation on use of public funds in constructing inclusionary units and to expand on where the use of public funds for inclusionary units will be allowed. [08/26/13 @ 12:30PM]
Public Hearing opened on February 24 2014
HEARING CLOSED; ZONING & PLANNING APPROVED 4-0-2
(Sangiolo, Hess-Mahan abstaining; Baker, Kalis not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, March 5, 2014

Present: Ald. Crossley (Chairman), Lennon, Albright, Salvucci, Danberg, Laredo, and Lappin;
 absent: Ald. Gentile

- #63-14 PRESIDENT LENNON recommending Lawrence Bauer, 42 Eliot Memorial Road, Newton, be re-appointed as an Aldermanic appointee to the DESIGNER SELECTION COMMITTEE, term of office to expire 12/31/15. [02-25-14 @ 4:09 PM]
PUBLIC FACILITIES APPROVED 5-0 (Albright, Lennon not voting)
- #64-14 PRESIDENT LENNON recommending Howard Goldberg, 27 Theodore Road, Newton Centre, be re-appointed as an Aldermanic appointee to the DESIGNER SELECTION COMMITTEE, term of office to expire 12/31/15. [02-25-14 @ 4:09 PM]
PUBLIC FACILITIES APPROVED 5-0 (Albright, Lennon not voting)
- #65-14 PRESIDENT LENNON recommending Joseph Michelson, 94 Park Avenue, Newton be re-appointed as an Aldermanic appointee to the DESIGNER SELECTION COMMITTEE, term of office to expire 12/31/15. [02-25-14 @ 4:09 PM]
PUBLIC FACILITIES APPROVED 5-0 (Albright, Lennon not voting)

THE FOLLOWING PUBLIC HEARINGS WERE ASSIGNED:

Public Hearing assigned for April 8, 2014:

- #67-14 AUCTION DIRECT PREOWNED, INC. d/b/a OLD TIME GARAGE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an EXTENSION and CHANGE in a NONCONFORMING USE for an automobile service and ancillary automobile sales at 1545 WASHINGTON STREET, Ward 4, West Newton, on land known as SBL 33, 2, 7, containing approximately 10,000 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)b), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for April 8, 2014:

#68-14 CHRISTOPHER LOVETT petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 687-sq. ft. addition to the basement, first and second floors of an existing single-family dwelling, which will increase the Floor Area Ratio from .37 to .45, where .38 is allowed, at 63 KENWOOD AVENUE, Ward 6, Newton Centre, on land known as SBL 64, 20, 25, containing approximately 9,991 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table A of the City of Newton Rev Zoning Ord, 2014.

Public Hearing assigned for April 8, 2014:

#69-14 JOSHUA GANN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a retaining wall of more than 4' in the rear setback to create a usable backyard at 79 SHORNECLIFFE ROAD, Ward 7, Newton, on land known as SBL 72, 31, 24, containing approximately 20,600 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for April 8, 2014:

#70-14 JOHN J. ROCHE, INC./ROBERT J. MARINICK FAMILY TRUST OF 1996 petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING USE to add a new pre-fabricated spray booth adjacent to an existing auto body shop and for related waivers from dimensional parking requirements, landscaping, and lighting requirements at 740 BEACON STREET (and O UNION STREET) on land known as SBL 61, 38, 5 and 6, containing a total of 10,888 sq. ft. of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 3, 30-11(g)(2), 30-19(g)(2) and (3), (h)(2), (3), and (5)a), (i)(1)a), (j), and (m) of the City of Newton Rev Zoning Ord, 2012.

A MOTION TO SUSPEND THE RULES TO ALLOW THE FOLLOWING THREE LATE FILED ITEMS TO BE ACCEPTED TO THE DOCKET AND REFERRED TO COMMITTEE WAS APPROVED BY VOICE VOTE

REFERRED TO FINANCE COMMITTEE

#105-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thousand dollars (\$100,000) from Budget Reserve for the purpose of covering the costs incurred as a result of the February 2014 Bond Sale. 03/17/14 @ 10:09 AM]

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

#106-14 HIS HONOR THE MAYOR requesting authorization to transfer and appropriate the sum of two million seven hundred thousand dollars (\$2,700,000) from the City's Water Operating Reserve Fund to fund Water System Improvements for calendar year 2014. [03/17/14 @ 10:09 PM]

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

#107-14 HIS HONOR THE MAYOR requesting authorization to transfer the following funds into a capital account to purchase and install LED streetlights throughout the City:

<u>Account</u>	<u>Amount</u>
Capital Stabilization – Bonded Capital Projects.....	\$887,346
Capital Stabilization – Energy Conservation Projects	\$208,890
Capital Stabilization – Unrestricted Capital Purposes	\$7,817
Receipts Reserved for Appropriation – Sale of Municipal Assets ...	\$46,684

[03/17/14 @ 10:09 AM]

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 3 ABSENT (Ald. Albright, Rice & Sangiolo) 1 RECUSED (Ald. Ciccone) TO TAKE THE FOLLOWING ACTION:

#367-13 CICCONE MOTORS
 75 Adams Street
 Newtonville 02458
LAND USE APPROVED 7-0

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 3 ABSENT (Ald. Albright, Rice & Sangiolo) 1 RECUSED (Ald. Laredo) TO TAKE THE FOLLOWING ACTION:

#139-12(2) BANK OF AMERICA, N.A./DANA J. KATZ, TRUSTEE, DK REALTY TRUST petition to AMEND special permit #139-12 (granted on 8/13/12 for a freestanding sign and a second principal sign and to waive dimensional limits) to add an additional tenant and if necessary relief for a second principal sign if the existing wall sign is deemed to be a principal sign at 176 BOYLSTON STREET, Ward 7, CHESTNUT HILL, on land known as SBL 82, 2, 18, containing approximately 64,007 sq. ft. in a district zoned BUSINESS 1 and 4. Ref: Sec 30-24, 30-23, 30-20(f)(1), (2), and (9), 30-20(l) of the City of Newton Rev Zoning Ord, 2012 and Special Permit #139-12.
HEARING CLOSED; LAND USE APPROVED 7-0 (Laredo recused)

A MOTION TO AMEND THE PREVIOUSLY APPROVED POSTPONEMENT OF DOCKET ITEM #404-13 TO APRIL 7, 2014 TO SUBSTITUTE RECOMMITTAL OF THE ITEM TO THE ZONING & PLANNING COMMITTEE WAS APPROVED BY VOICE VOTE.

Clerk's Note: Concern was raised that a number of Board members would be unable to attend the April 7, 2014 Board meeting. The Chair of the Zoning & Planning Committee made the motion to recommit the item to Zoning & Planning. Since the 90-day window to act on the item will expire with this request, the Zoning & Planning Committee will schedule a new public hearing and start the process again.