



It was noted that with an absence this evening, there were not the votes to approve the item, so it was asked that Aldermen not vote to reconsider and to put this item to bed.

An Alderman spoke in support of the filing of the motion as it has given Board members the time to truly think about their votes and to thoughtfully consider the information that was presented at the last Board meeting. By reconsidering, the Board will be able to thoughtfully articulate their objections based on sound merits and to support the Board's actions.

The Chair of the Land Use Committee stated that the Committee had tried very hard to state its findings based on the legal merits of the request.

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 1 ABSENT (Ald. Albright), 1 VACANCY TO TAKE THE FOLLOWING ACTIONS:**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, May 6, 2014

#108-14 WABAN IMPROVEMENT SOCIETY requesting a temporary license pursuant to Sec 30-6(k) of the City of Newton Ordinances to hold the 10<sup>TH</sup> ANNUAL WABAN VILLAGE DAY on Sunday, May 18, 2014.

**LAND USE APPROVED 6-0 (Laredo not voting)**

*Public Hearing opened on March 11, 2014, continued to May 6:*

#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.

**PUBLIC HEARING CLOSED; LAND USE DENIED 3-2-2 (Albright, Laredo, Lipof voting in the affirmative; Cote, Lennon opposed; Crossley, Schwartz abstaining)**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, May 13, 2014

*Public hearing opened on January 14, continued to February 11, continued to March 11, 201; continued to April 8; continued to May 13.*

#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.

**PUBLIC HEARING CONTINUED TO DATE TO BE DETERMINED**

- #109-14 **GEORGE SALLES** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NON CONFORMING STRUCTURE to construct a one-story kitchen addition containing approximately 200 square feet at the rear of an existing single-family dwelling, which will reduce the rear setback from 10.6 ft. to 8.5 ft., where 15 feet is required, at 11 SOLON STREET, Ward 5, Newton Highlands, on land known as SBL 81, 23, 5, containing approximately 7,589 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15 Table 1, 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

**PUBLIC HEARING CLOSED; LAND USE APPROVED 7-0**

- #141-13(3) **NIKZUN GORDON** petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a retaining wall greater than four feet in front of an existing garage, which will lower the grade of an existing driveway to create a flatter surface, and to locate two parking stalls in the front setback at 74 NEWTONVILLE AVENUE, Newton, Ward 1, on land known as SBL 12, 21, 25C containing approx. 10,021 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-19(g)(1), 30-19(m), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.

**PUBLIC HEARING CONTINUED TO MAY 20, 2014**

- #128-14 **GEORGE M. & WALIA K. DUNGAN** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a one-story addition to the rear of an existing two-family home, which will increase the nonconforming Floor Area Ratio from .56 to .62, where .48 is the maximum allowed by right, at 50-52 NOBLE STREET, Ward 3, West Newton, on land known as SBL 44, 3, 3, containing approximately 6,235 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u)(2), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

**PUBLIC HEARING CONTINUED TO MAY 20, 2014**

- #129-14 **MICHAEL & MARTHA GANGEMI** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to replace an existing detached garage with a new detached garage at the rear of an existing single-family home, which will increase the nonconforming Floor Area Ratio from .36 to .37, where .29 is the maximum allowed by right, at 96 LENOX STREET, Ward 2, West Newton, on land known as SBL 32, 49, 7, containing approximately 19,071 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u)(2), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

**PUBLIC HEARING CLOSED; LAND USE APPROVED 7-0**

#130-14 RUSSELL & TRACY RICHMOND petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to (1) enclose a portion of an existing front porch to create a larger entry and (2) to add a one-story cantilevered bay containing approximately 19 sq. ft. to the kitchen, which will increase the nonconforming Floor Area Ratio from .43 to .44, where .37 is the maximum allowed by right, at 36 BILLINGS PARK, Ward 7, Newton, on land known as SBL 72, 8, 16, containing approximately 11,080 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u)(2), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

**PUBLIC HEARING CLOSED; LAND USE APPROVED 7-0**

#131-14 ARTISAN CHILDCARE CENTER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a freestanding sign at 2330 WASHINGTON STREET, Ward 4, Newton Lower Falls, on land known as SBL 42, 31, 18, containing approximately 28,277 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-20(1) of the City of Newton Rev Zoning Ord, 2012.

**PUBLIC HEARING CLOSED; LAND USE APPROVED 6-0 (Schwartz not voting)**

#132-14 STONE GALLERYLLC/CLINE REALTY LIMITED petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow retail use and associated outdoor display of goods with various waivers from parking requirements including minimum aisle, entrance, exit, widths, parking in front setback, landscape screening, lighting, ~~bicycle parking~~, exclusive use of two parking spaces, etc. at 49-51 WINCHESTER STREET, Ward 5, Newton Highlands, on land known as SBL 51, 28, 30, containing approximately 79,500 sf of land in a district zoned MIXED USE 1. Ref: 30-24, 30-23, 30-13(b)(1) and (16), 30-19(c)(4), 30-19(h)(3)b), (4)(a), (h)(1), (i)(1) and (2), (j)(1), (j)(2)c), (k), and 30-19(m) of the City of Newton Rev Zoning Ord and Special Permit #219-05.

**PUBLIC HEARING CLOSED; LAND USE APPROVED 7-0 SUBJECT TO 2<sup>nd</sup> CALL**

**A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF FINANCE TO POLL HIS COMMITTEE WAS APPROVED BY VOICE VOTE**

**LAND USE APPROVED ITEM TO BE REPORTED ON FIRST CALL 6-0**

**REFERRED TO ZONING & PLANNING COMMITTEE**

Monday, May 12, 2014

*Appointment by His Honor the Mayor*

#158-14 MICHAEL J. QUINN, 115 Staniford Street, Auburndale, appointed as an *associate member* of the ZONING BOARD OF APPEALS for a term to expire December 31, 2014. (60 days 07/04/14) [04/23/14 @ 4:30PM]

**ZONING & PLANNING APPROVED 8-0**

*Re-appointment by His Honor the Mayor*

#138-14 TREFF LAFLECHE, 1603 Commonwealth Avenue, West Newton, re-appointed as an *associate member* of the ZONING BOARD OF APPEALS for term to expire March 15, 2015. (60 days 06/21/14) [04/01/14 @ 2:40 PM]  
**ZONING & PLANNING APPROVED 5-0-3 (Sangiolo, Yates and Kalis abstaining)**

*Re-appointment by His Honor the Mayor*

#159-14 DAVID MORTON, 148 Edinboro Street, Newtonville, re-appointed as a member of the NEWTON HISTORICAL COMMISSION for a term to expire April 15, 2017. (60 days 07/04/14) [04/23/14 @ 4:30PM]  
**ZONING & PLANNING APPROVED 7-0-1 (Yates abstaining)**

*Re-appointment by His Honor the Mayor*

#155-14 JANE IVES, 34 Lucille Place, Newton Upper Falls, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire August 17, 2016. (60 days 07/04/14) [04/23/14 @ 4:30PM]  
**ZONING & PLANNING APPROVED 7-0-1 (Kalis abstaining)**

*Re-appointment by His Honor the Mayor*

#156-14 PHILIP PLOTTEL, 50 Roslyn Road, Waban, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire December 21, 2016. (60 days 07/04/14) [04/23/14 @ 4:30PM]  
**ZONING & PLANNING APPROVED 8-0**

*Re-appointment by His Honor the Mayor*

#154-14 DARRYL SETTLES, 52 Hood Street, Newton, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire March 15, 2017. (60 days 07/04/14) [04/23/14 @ 4:30PM]  
**ZONING & PLANNING APPROVED 8-0**

**REFERRED TO PROGRAMS AND SERVICES COMMITTEE**

Wednesday, May 7, 2015

*Re-appointment by His Honor the Mayor*

#145-14 MARJORIE A. BUTLER, 33 Andrew Street, Newton Highlands, re-appointed as a member of the ELECTION COMMISSION for a term to expire March 31, 2017. (60 days 06/21/14) 04/01/14 @ 9:08 AM]  
**PROGRAMS AND SERVICES APPROVED 4-0 (Kalis, Leary, Baker, Hess-Mahan not voting)**

#146-14 NEWTON ELECTION COMMISSION requesting the Board of Aldermen approve a change of polling location for Ward 5, Precincts 3 and 4, from the Zervas School to the Waban Branch Library contingent upon the completed

installation of a handicap ramp, paved parking area, door opener, and adequate exterior lighting by August 1, 2014. [04/09/14 @ 3:24 PM]

**PROGRAMS AND SERVICES APPROVED 5-0 (Leary, Baker, Hess-Mahan not voting)**

- #147-14 NEWTON ELECTION COMMISSION recommending that, due to a death, a Special Municipal Election for Ward Alderman, Ward 3, be held on Tuesday, September 9, 2014 in conjunction with the State Primary Elections to be held on that date. [04/09/14 @ 4:07 PM]

**APPROVED 5-0 (Leary, Baker, Hess-Mahan not voting)**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

May 7, 2014

- #302-13 ALD. FULLER, CICCONE & ALBRIGHT, requesting a presentation and discussion by the Executive Office and Chief of Police on the findings of the recently completed Newton Police Department departmental review.  
**PUBLIC SAFETY & TRANSPORTATION NO ACTION NECESSARY 7-0 (Harney not voting)**

- #28-14(2) EMERGENCY MEDICAL SERVICES COMMITTEE (EMS), requesting a *RESOLUTION* in support of the proposed process to change eleven (11) duplicate street names. [04/16 /14 @ 1:10 PM]

**PUBLIC SAFETY & TRANSPORTATION RESOLUTION APPROVED AS AMENDED 8-0**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

May 14, 2014

Appointment by His Honor the Mayor

- #116-14 JEROME GRAFE, 21 Oakland Street, Newton Corner, appointed as an alternate member of TRAFFIC COUNCIL for a term to expire on April 15, 2017. (60 days 05/31/14) [04/01/14 @ 2:18 PM]

**PUBLIC SAFETY & TRANSPORTATION APPROVED 8-0**

**REFERRED TO FINANCE COMMITTEE**

Monday, May 12, 2014

- #149-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of seven thousand five hundred dollars (\$7,500) within the Sewer Enterprise Fund from Line Item 27A10498, Account No. 5790 into Line Item 27A10781, Account No. 56301 to provide a sufficient appropriation to cover the payment of assessments

from the Massachusetts Water Resources Authority through the end of the current fiscal year. [04/14/14 @ 5:44 PM]

**FINANCE APPROVED 5-0 (Fuller not voting)**

- #151-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty-five thousand dollars (\$25,000) from Fiscal Year 2014 Budget Reserve to Veterans' Benefits Account to supplement that account. [04/14/14 @ 5:43 PM]  
**FINANCE APPROVED 5-0 (Fuller not voting)**

- #114-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of thirty thousand dollars (\$30,000) from Parks and Recreation Full-time Wages - Public Grounds Maintenance to Parks and Recreation Public Property Repair & Maintenance to purchase fibar for additional playgrounds. [03-31-14 @ 3:59 PM]  
**FINANCE APPROVED 5-0 (Fuller not voting)**

- #287-11(5) HIS HONOR THE MAYOR requesting authorization to transfer the sum of five thousand dollars (\$5,000) from Fiscal Year 2014 Budget Reserve to the Planning & Development Department for the purpose of funding an appraisal of the former Health and Human Service Building at 1294 Centre Street. [04/14/14 @ 5:43 PM]  
**FINANCE APPROVED 5-0 (Fuller not voting)**

- #148-14 SCHOOL COMMITTEE MEMBER STEVEN SIEGEL requesting Board of Aldermen approval of a Financial Interest Disclosure Exemption pursuant to G.L. chapter 268A, Section 20(b) in order to provide the City of Newton structural engineering consulting services as part of a sub-contract between Siegel Associate, Inc., a firm wholly owned by Mr. Siegel, and Schwartz/Silver Architects for the design of Fire Station #3 and the Fire Headquarters Building. [04/08/14 @ 4:35 PM]  
**FINANCE NO ACTION NECESSARY 5-0 (Fuller not voting)**

**MOTIONS TO SUSPEND THE RULES TO ACCEPT THE FOLLOWING FOUR ITEMS TO THE DOCKET AND REFER THEM TO COMMITTEE WERE APPROVED BY VOICE VOTE**

**REFERRED TO FINANCE COMMITTEE**

- #190-14 HIS HONOR THE MAYOR requesting authorization to expend a twenty-nine thousand seven hundred fifteen dollar (\$29,715) grant received from the Massachusetts Department of Transportation and the Metropolitan Area Planning Council for the purpose of administering a bicycle and pedestrian enforcement program. [05/13/14 @ 4:49 PM]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #138-13(3) HIS HONOR THE MAYOR requesting authorization to reallocate the Carr Elementary School Renovation Project Budget to replenish funds for Mayor's

Contingency Budget Line, as well as to cover the costs of various project related expenses as follows:

- \$40,000 from Electricity to Public Property Repair & Maintenance
- \$5,000 from Building Systems Commissioning to Mayor's Contingency
- \$5,120 from building System Commissioning to Consultants
- \$87,800 from Board of Aldermen Contingency to Mayor's Contingency [05/16/14 @10:08 AM]]

**REFERRED TO FINANCE COMMITTEE**

- #208-14 HIS HONOR THE MAYOR requesting authorization to accept and expend a grant from the Metropolitan Area Planning Council (MAPC) in the amount of \$4,800 to pay a volunteer pedestrian coordinator to oversee the development and implementation of a parental survey of school-related trip making. [05-19-14 @12:09PM]

**REFERRED TO FINANCE COMMITTEE**

- #209-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of Five Hundred Thousand Dollars (\$500,000) from the Retiree Health Insurance Account to the Rainy Day Stabilization Fund. 05-19-14 @1:32PM]

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

*Public Hearing assigned for June 10, 2014*

- #164-14 PETER SACHS for LORI BERKOWITZ & SCOTT PERMAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct an approximate 170 sf mudroom to the rear to an existing attached garage, which will increase the existing nonconforming Floor Area Ratio from .45 to .46, exceeding the .35 maximum allowed by right, at 37 FERNCROFT ROAD, Ward 5, Waban, on land known as SBL 53, 7, 15, containing approximately 12,659 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15(u)(2), 30-15 Table A, and 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

*Public Hearing assigned for June 10, 2014*

- #165-14 RICHARD D. SEWALL petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing single-family dwelling and construct two sets of two attached single-family dwellings for a total of four dwellings which includes waivers from the side-and rear-yard setback and lot coverage requirements and relief to locate a driveway within 10 feet of a side lot line at 3-5 AUBURN STREET, Ward 3, on land known as SBL 33, 6, 34, containing approximately 23,426 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, 30-15(b)(5)a) and b) of the City of Newton Rev Zoning Ord, 2012.

*Public Hearing assigned for June 10, 2014*

#166-14 CREDERE VENTURES LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to enclose an existing carport in order to create a garage containing approximately 324 sf at 22 LENOX STREET, Ward 2, West Newton, on land known as SBL 32, 50, 5, containing approximately 9,353 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: 30-24, 30-23, 30-15 Table A, 30-15(u)(2), and 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

*Public Hearing assigned for June 17, 2014*

#167-14 GARDEN REMEDIES/697 WASHINGTON STREET TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to operate a Registered Marijuana Dispensary and to waive two parking stalls; to allow parking in the front setback; and to exceed the allowable horizontal projection of a secondary sign at 697 WASHINGTON STREET, Ward 2, NEWTONVILLE, on land known as SBL 23, 19, 1B, containing approximately 16,669 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-36, 30-19(d)(10), 30-19(h)(1), 30-19(m), and 30-20(j)(2) of the City of Newton Rev Zoning Ord, 2012

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 1 NAY (Ald. Cote), 1 ABSENT (Ald. Albright), 1 VACANCY TO TAKE THE FOLLOWING ACTIONS:**

*Re-appointment by His Honor the Mayor*

#157-14 DAPHNE COLLINS, 372 Waltham Street, West Newton, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire July 13, 2016. (60 days 07/04/14) [04/23/14 @ 4:30PM]  
**ZONING & PLANNING APPROVED 8-0**

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 2 RECUSED (Ald. Laredo and Lipof), 1 ABSENT (Ald. Albright), 1 VACANCY TO TAKE THE FOLLOWING ACTIONS:**

*Public Hearing opened on April 8, 2014; continued to May 6.*

#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 and STRUCTURE 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(h), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.  
**PUBLIC HEARING CLOSED; LAND USE APPROVED 5-0 (Laredo and Lipof recused)**