

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, August 11, 2014

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

Absent: Ald. Fuller, Harney and Sangiolo, 1 Vacancy

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

REFERRED TO LAND USE COMMITTEE

#230-14 CHESTNUT HILL SHOPPING CENTER LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to hold a temporary and seasonal open air farmers' market selling artisan foods and select crafts at 1-55 BOYLSTON STREET (THE STREET), Ward 7, CHESTNUT HILL, on land known as SBL 63, 37, 18A, 26, 27, 22, 25, containing approximately 20 acres of land in districts zoned BUSINESS 1 and 4. Ref: Sec 30-24, 30-23, 30-11(c), 30-11(d)(10) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; APPROVED 7-0

APPROVED BY A VOTE OF 19 YEAS, 1 NAY (Ald. Baker)

Clerk's Note: The Chair of the Land Use Committee provided a synopsis of the Committee's report on the item. The request is to hold a small seasonal farmers' market in a portion of the parking lot of 1-55 Boylston Street (The Street). The market will carry a selection of artisanal foods, and crafts. The market would use 86 parking spaces each Sunday. The Committee took vehicle circulation, parking demand and pedestrian and vehicular safety into consideration and after discussion felt that these concerns were addressed and approved a special permit for the farmers' market through October 2015.

Ald. Baker placed the item on second call due to concerns related to parking demand and pedestrian safety. The removal of 86 spaces for 8 hours on a Sunday will create a problem with parking and the location of the market provides only one lane of access to Legal Seafood and the Cottage Restaurant, which have a large number of patrons all day on Sunday. Ald. Baker would rather see the item recommitted to the Land Use Committee for a fuller assessment rather than voting against the item.

The Vice-chair of the Land Use Committee Ald. Schwartz added that initially he had the same concerns but after receiving assurance from the managers of "The Street" felt that the market would work at the proposed location. It was explained that the circulation issue would be addressed and there would be easy access in and out around Legal Seafood and the Cottage

Restaurant and there would not be any reduction of vehicle passage to the east or west of the market. The market cannot be relocated closer to the Hammond Pond Parkway because tents are considered structures and cannot be placed closer to Hammond Pond. Staff will direct traffic, and additional signage will guide pedestrians and vehicles. Ald. Schwartz pointed out that the management company and the property owners are not profiting from the market; therefore; would be unlikely to continue the market if there were significant problems for the restaurants and stores related to the farmers' market. In addition, the Special Permit would only be granted until October 2015 and would not be granted again if there were issues. With that, the Board of Aldermen voted approval of the Special Permit by a vote of 19 in favor of approval and one opposed.

#227-14 GAIL SILLMAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to build out the third floor to the same floor area as the second floor, which will increase the Floor Area Ratio from .53 to ~~.65~~ .59 where .44 is the maximum allowed by right, ~~and to add a second bay to an existing 398 sq. ft. garage to create a garage exceeding 700 sq. ft.~~ at 64 PERKINS STREET, Ward 3, WEST NEWTON, on land known as SBL 32, 12, 42, containing approximately 6,157 sq. ft. in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u)(2), 30-15 Table 1, 30-21(b), 30-8(b)(7) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; APPROVED AS AMENDED 4-0-1 (Schwartz)

MOTION TO POSTPONE TO A DATE CERTAIN OF TUESDAY, SEPTEMBER 2, 2014 WAS APPROVED BY VOICE VOTE

Clerk's Note: Ald. Hess-Mahan made a motion to postpone the item until the Board meeting on September 2, 2014 to allow further review of the petition, reports and materials. Ald. Hess-Mahan concerns relate to the increase in floor area ratio in a building that already exceeds the maximum floor area ratio allowed by right. The Board of Aldermen unanimously approved the motion by voice vote.

WITHOUT DISCUSSION THE BOARD OF ALDERMEN VOTED TO APPROVE THE COMMITTEE ACTIONS FOR THE FOLLOWING ITEMS BY A VOTE OF 20 YEAS, 0 NAYS, 3 ABSENT (Ald. Fuller, Harney and Sangiolo), AND 1 VACANCY

REFERRED TO LAND USE COMMITTEE

#214-13(2) REQUEST for a ONE-YEAR EXTENSION OF TIME in which to EXERCISE Special Permit/Site Plan Approval #214-13, granted on July 15, 2013, to Linda Heffner for an accessory apartment in the loft of an existing detached carriage house and for exterior alterations (reconfiguring existing dormers) at 15 FARLOW ROAD, Ward 7; said EXTENSION will run from July 15, 2014 to July 15, 2015. Ref: 30-24(c)(5) of the City of Newton Rev Zoning Ord, 2012.
APPROVED 6-0 (Crossley not voting)

Public Hearings were held on the following items:

- #223-14 BERNARD BUNNER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a dormer above a new interior staircase between the second and third floors and to raze an existing detached garaged, which is 2½ feet from the side lot setback, and to construct a new smaller detached ~~garage~~-shed maintaining the 2½ foot side setback though closer to the rear of the property, which although not encroaching further into the setback will alter an already nonconforming setback, at 454 WALNUT STREET, Ward 2, NEWTONVILLE, on land known as SBL 22, 24, 19 , containing approximately 12,063 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(t)(2), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; APPROVED 7-0
- #225-14 WABORA NEWTON LLC/MONTROSE 1229-1249 CENTRE LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive five parking stalls for a 19-seat sushi restaurant at 1247-1249 CENTRE STREET, Ward 6, NEWTON CENTRE, on land known as SBL 64, 28, 25, containing approximately 1,427 sq. ft. of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-19(d)(13), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; APPROVED 7-0
- #226-14 ALAN MAYER, MAYER & ASSOCIATES ARCHITECTS/DAWNE VOGHT & JOHN RYAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to construct an approximately 1,300 sq. ft. addition to the rear of an existing single-family dwelling, which will increase the Floor Area Ratio from .31 to .48, where .42 is the maximum allowed by right, at 21 LARCHMONT AVENUE, Ward 5, WABAN, on land known as SBL 54, 7, 3, containing approximately 7,593 sq. ft. 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)(2) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; APPROVED 7-0
- #285-06(2) BELL ATLANTIC MOBILE OF MASS. CORP. LTD. d/b/a VERIZON WIRELESS/THE COVENANT RESIDENCES ON COMMONWEALTH CONDOMINIUM TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to install antennas on the roof inside faux chimney structures and to place accessory radio equipment and an emergency stand-by power generator inside an equipment shelter to the rear of property at 35 COMMONWEALTH AVENUE, Ward 7, Chestnut Hill on land known as SBL 63, 1, 8, containing approximately 48,000 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-18A(e)(6) and 10 and 30-18A(i) of the City of Newton Rev Zoning Ord, 2012.
HEARING CONTINUED TO SEPTEMBER 16, 2014

REFERRED TO LAND USE COMMITTEE

Tuesday, July 29, 2014

Application for a Class 2 Auto Dealer License#67-14(2) AUCTION DIRECT PRE-OWNED INC.

1545 Washington Street

West Newton

APPROVED 7-0*Hearing opened on June 10, continued to July 29*

#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.

HEARING CONTINUED TO SEPTEMBER

#318-13(3) RODNEY D. FARNSWORTH III petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to create an accessory apartment in part of an finished living space in the basement at 161 EDINBORO STREET, Ward 2, NEWTONVILLE on land known as SBL 21, 23 18, containing approximately 17,496 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(h)(2) of the City of Newton Rev Zoning Ord, 2012.

HEARING CONTINUED TO SEPTEMBER

#229-14 MICHAEL & DENA RASHES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to add approximately 2,372 sq. ft. to the rear of an existing dwelling, which is nonconforming as to height, ~~and to relocate the existing detached garage from the western side of the property to the eastern side of the property and~~ to construct an attached three-car garage, and to waive preservation and conservation restrictions and to amend special permit #127-80(2), at 93 BELLEVUE STREET, Ward 1, NEWTON, on land known as SBL 12, 21, 39 and 40, containing approximately 93,923 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-8(b)(7), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2012.

HEARING CONTINUED TO SEPTEMBER

REFERRED TO LAND USE COMMITTEE

Tuesday, August 5, 2014

Hearing opened on July 15, continued to August 5, 2014:

- #222-14 **DENISE & PETER STAUBACH** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to remove an existing attached garage and breezeway and to construct a two-stall garage, sunroom and $\frac{3}{4}$ bath with two bedrooms above, which will increase the Floor Area Ratio from .42 to .54, where .48 is the maximum allowed by right, at 29 WEDGEWOOD ROAD, Ward 3, WEST NEWTON, on land known as SBL 31, 20, 14 containing approximately 4,501 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.
HEARING CONTINUED TO SEPTEMBER

Hearing opened on July 15, continued to August 5, 2014:

- #224-14 **DEBORAH PIERCE & STEPHEN TISE** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING USE to construct an attached two-story addition with a two-car garage with living space above onto an existing two-family dwelling, which will increase the Floor Area Ratio from .45 to .70, where .55 is the maximum allowed by right and to increase the maximum lot coverage from 31.3% to 39.1%, where 30% is the maximum required, at 126-128 WESTLAND AVENUE, Ward 3, WEST NEWTON, on land known as SBL 33, 34A, 10, containing approximately 5,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 30-24, 30-23, 30-21(b), 30-15 Table 1, 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; APPROVED 5-0

Hearing opened on July 29, continued to August 5, 2014:

- #423-13(2) **PROFESSIONAL PERMITS/KEY POINT PARTNERS LLC** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for ~~four~~ two signs, which relief includes waiving the size restrictions for a principal wall sign and locating a secondary sign on the same wall as the principal wall sign; ~~waiving the size restriction for a secondary wall sign; and waiving the number of secondary signs to allow a third secondary sign,~~ for PETSMAART at 215 NEEDHAM STREET, Ward 5, NEWTON UPPER FALLS on land known as SBL 51, 28, 8G containing approximately 70,847 sq. ft. of land in a district zoned MULTI USE 1. Ref: Sec 30-24, 30-23, 30-20(f)(1), (2), and 30-20(l) of the City of Newton Rev Ord, 2012, and Special Permits #610-89 and #610-89(2).
HEARING CLOSED; APPROVED AS AMENDED 5-0

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF THE PUBLIC FACILITIES COMMITTEE TO REPORT OUT THE BELOW ITEM WAS APPROVED BY VOICE VOTE

REFERRED TO PUBLIC FACILITIES COMMITTEE

August 11, 2014

- #259-14(2) CITY ENGINEER petitioning for the extension of four common sewers in:
- (1) STUDIO ROAD from an existing sewer stub in Woodland Road at Studio Road southerly for 950' ± to a proposed manhole in Studio Road
 - (2) ASPEN AVENUE from an existing sewer stub located in Lasell Village easterly for 240' ± within an easement thence turning southerly on Aspen Avenue for 1,160' ± to a proposed manhole in Aspen Avenue.
 - (3) HAWTHORNE AVENUE from a proposed manhole at 96 Hawthorne Avenue southerly for 160' ± thence turning westerly for 120' ± within an existing easement in Hawthorne Avenue thence turning northerly within an existing easement in Hawthorne Avenue 240' ± to a proposed manhole at the intersection of Hawthorne Avenue and Aspen Avenue.
 - (4) HAWTHORNE AVENUE from an existing manhole in Hawthorne Avenue southwesterly for 320' ± to a proposed manhole at 63 Hawthorne Avenue.
- (Ward 4) [07/07/14 @ 9:50 AM]

APPROVED 7-0

WITHOUT DISCUSSION THE BOARD OF ALDERMEN VOTED TO APPROVE THE COMMITTEE ACTIONS FOR THE FOLLOWING ITEMS BY A VOTE OF 19 YEAS, 3 ABSENT (Ald. Fuller, Harney, and Sangiolo) 1 RECUSED (Ald. Laredo):

REFERRED TO LAND USE COMMITTEE

Tuesday, July 29, 2014

Public hearing opened on January 14, continued to February 11 March 11, April 8; May 13, June 3, June 10, and July 29:

- #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, 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 CLOSED; APPROVED 7-0

Hearing opened and continued on June 10, July 15, July 29

- #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.

REQUEST FOR WITHDRAWAL WITHOUT PREJUDICE APPROVED 6-0 (Laredo recused)

THE FOLLOWING PUBLIC HEARINGS WERE ASSIGNED**LAND USE COMMITTEE***Public Hearing to be re-assigned for September 16, 2014:*

#260-14 HENRY J. & DENISE S. DELICATA petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to create two tandem parking stalls within the front and side setbacks (on the right side) of an existing two-family dwelling at 358-360 NEVADA STREET, Ward 1, on land known as SBL 14, 16, 44, containing approximately 7,140 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-19(g)(1) and (2), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing to be assigned for September 16, 2014:

#272-14 CHRISTINE BOISCLAIR petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct a portico of approximately 4.5 feet over the front entrance at 42 BRAE BURN ROAD, Ward 4, Auburndale, on land known as SBL 42, 5, 2, containing approximately 9,095 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table 1, 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing to be assigned for September 16, 2014:

#273-14 NICORE CONSTRUCTION, CORP. petition to change the zone of 114 RIVER STREET, known also as Section 33, Block 23, Lot 15, containing approximately 6,837 square feet of land, from BUSINESS 1 to MULTI RESIDENCE 2.

Public Hearing to be assigned for September 16, 2014:

#273-14(2) NICORE CONSTRUCTION CORP. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct four attached single-family dwellings in two buildings and to locate a driveway within 10 feet of a side lot line at 5-7 ELM STREET and 114 RIVER STREET, Ward 3, West Newton, on land known as SBL 33,23, 9, containing approximately 19,483 sf of land in a district zoned MULTI RESIDENCE 2 and SBL 33, 23,3 15, containing approximately 6,837 sf of land in a *proposed* MULTI RESIDENCE 2 district, for a *proposed* total of 26,290 sf of land. Ref: Sec 30-24, 30-23, 30-15(b)(5)a) and b), 30-9(b)(5)a) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing to be assigned for September 16, 2014:

#274-14 GATEWAY CENTER REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to replace and legalize an existing freestanding sign at 296-334 WASHINGTON STREET (Gateway Center), Ward 1, Newton Corner, on land known as SBL 12, 11, 1, in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-20(l) of the City of Newton Rev Zoning Ord and special permit #270-67.

Public Hearing to be assigned for September 16, 2014:

#257-13(3) WELLS AVENUE BUSINESS CENTER LLC requesting that the restriction adopted by Board Order #276-68(3), dated November 18, 1968, and subsequent amendments be further amended to reflect a waiver of use restriction to permit an interior place of amusement at 145 WELLS AVENUE, Ward 8. *NOTE: Public Hearing not required.*

Public Hearing to be assigned for September 16, 2014:

#257-13(4) WELLS AVENUE BUSINESS CENTER LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to permit a “place of amusement,” an indoor bouncy house, in an existing building housing a day care and to waive 7 parking stalls, reduce minimum aisle width for one-way traffic and waive interior landscaping requirements at 145 WELLS AVENUE, Ward 8, on land known as SBL 84, 34, 2G, containing approximately 86,256 sf of land in a district zoned LIMITED MANUFACTURING. Ref: Sec 30-24, 30-23, 30-5(a)(3)d)iii, 30-12(e)(8), 30-19(d)(13), and(16), 30-19(h)(3)a, 30-19(i)(2), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing to be assigned for September 16, 2014:

#275-14 BRIGHT HORIZONS CHILDRENS CENTERS/320 NEEDHAM DE, LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive 20 parking stalls, to locate parking stalls within a setback, to waive landscape, lighting, and surfacing requirements for the parking lot and to waive the requirement for bicycle parking facilities in order to locate a child care center at 230 NEEDHAM STREET, Ward 8, in a district zoned MIXED USE 1. Ref: Sec 30-24, 30-23, 39-19(d)(13), (h), (i), (j), (k), 30-5(a)(3)d, 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing to be assigned for September 16, 2014:

#316-14 KATHLEEN CURRAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct a 2-story addition including an attached 2-car garage with living space above with a dormer wider than 50% of the wall below at 30 HANCOCK STREET, Ward 4, Auburndale, on land known as SBL 42, 17, 17, containing approximately 13,950 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15 Table 1, 30-15(t)(1), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing to be assigned for September 23, 2014:

#102-06(11) CHESTNUT HILL REALTY DEVELOPMENT, LLC./KESSELER DEVELOPMENT, LLC. petition to amend Ordinance Z-37, dated November 17, 2008, which adopted a change of zone from SINGLE RESIDENCE 3 to MULTI RESIDENCE 3 conditional upon the exercise of Special Permit #102-06(9), for a parcel of land located on LaGrange Street, Ward 8, identified as Section 82, Block 37, Lot 95, and shown as Lot H-1 on a Subdivision Plan of Land in Newton MA, “Toomey-Munson & Associates, Inc.,” dated April 28, 2004, recorded with the Middlesex South County Registry of Deeds in Plan Book 2005, page 102.

Public Hearing to be assigned for September 23, 2014:

#102-06(12) CHESTNUT HILL REALTY DEVELOPMENT, LLC./KESSELER DEVELOPMENT, LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #102-06(9), granted on November 17, 2008, by constructing a 4-story, 80-unit multi-family building with accessory parking, driveway, and landscaping, including waivers from the maximum height requirement, various parking dimensionals, lighting requirements, and signage on land located on LaGRANGE STREET, Ward 8, known as Sec 82, Blk 37, Lot 95, shown as Lot H-1 on a Subdivision Plan of Land in Newton MA, "Toomey-Munson & Associates, Inc.," dated April 28, 2004, recorded with the Middlesex South County Registry of Deeds in Plan Book 2005, page 102, containing approximately 640,847 sf of land in a proposed Multi Residence 3 district. Ref: §§30-24, 30-23, 30-9(d), 30-15 Table 1 footnote 5, 30-19(h), 30-19(j)ii, 30-19(m), 30-20(1) of the City of Newton Rev Zoning Ord, 2012.

REFERRED TO PUBLIC FACILITIES COMMITTEE

Public hearing assigned for September 3, 2014:

#311-14 VERIZON NEW ENGLAND, INC. petitioning for a grant of location to relocate solely-owned Pole #157/2 in front of 32 LAKEWOOD ROAD southerly 6' ± from its current location. (Ward 6) [08-01-14 @ 3:32 PM]