

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, November 17, 2014

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

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

REFERRED TO ZONING & PLANNING COMMITTEE

#237-14 ALD. SANGIOLO on behalf of concerned citizens requesting a one-year moratorium on the demolition of single- and two-family homes.
[06/12/14 @ 10:45AM]

ZONING & PLANNING VOTED NO ACTION NECESSARY 5-3 (Sangiolo, Yates and Baker opposed) on October 27, 2014

ITEM POSTPONED ON NOVEMBER 3 TO DATE CERTAIN OF NOVEMBER 17, 2014 BY VOICE VOTE

MOTION TO RECOMMIT THE ITEM TO THE ZONING & PLANNING COMMITTEE – DENIED 15 NAYS, 8 YEAS (Ald. Baker, Blazar, Brousal-Glaser, Harney, Norton, Rice, Sangiolo, Yates), 1 RECUSED (Ald. Gentile)

MOTION TO ACCEPT THE COMMITTEE’S RECOMMENDATION OF NO ACTION NECESSARY - APPROVED 18 YEAS, 5 NAYS (Ald. Blazar, Brousal-Glaser, Harney, Sangiolo, Yates), 1 RECUSED (Ald. Gentile)

Clerk’s Notes:

REFERRED TO ZONING & PLANNING COMMITTEE

#237-14(3) ALD. YATES requesting to amend **Chapter 30**, City of Newton Zoning Ordinances, to create a temporary moratorium extending no later than December 31, 2015 on the full demolition of single- and two-family residential dwellings in multi-residence districts where the gross floor area of the replacement structure will be greater than 120% of the gross floor area of the existing structure. Such a moratorium is to allow the City to complete the review and possible adoption of zoning amendments to address the loss of the City’s more moderately priced housing stock and the impacts on the neighborhoods of the demolitions of existing single- and two-family residential dwellings and their replacement by large scale buildings out of character with the surrounding neighborhood. Transitional provisions will be included to exempt properties already in the application process. [11/10/14 @ 2:44PM]

MOTION TO ACCEPT TO THE DOCKET AND REFER TO COMMITTEE – DENIED 16 NAYS, 7 YEAS (Ald. Baker, Blazar, Brousal-Glaser, Harney, Norton, Sangiolo, Yates)

Clerk's Notes:

- #210-14 135 WELLS AVENUE LLC requesting an amendment to the Wells Avenue restrictive covenant as established in Board Order #276-68(3), as amended, as it relates to parcel E-2 at 135 Wells Avenue, to allow creation of a multi-family housing building and co-working space and to accept mitigation funds in accordance with MGL c.44 s. 53A under the terms and conditions described in an application from Cabot, Cabot & Forbes dated May 27, 2014.
HEARING CLOSED; LAND USE DENIED 4-0-1 (Crossley abstaining; Harney not voting)
MOTION TO ACCEPT THE LAND USE COMMITTEE'S RECOMMENDATION OF DENIAL – APPROVED 19 YEAS, 3 ABSENT (Ald. Albright, Crossley, Johnson), 2 RECUSED (Ald. Hess-Mahan, Sangiolo)

Clerk's Notes:

- #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.
HEARING CLOSED; LAND USE APPROVED 6-0
APPROVED 21 YEAS, 3 NAYS (Ald. Harney, Sangiolo, Yates)

Clerk's Notes: This and the next item were discussed together. See notes below.

- #102-06(12) CHESTNUT HILL REALTY DEVELOPMENT, LLC./KESSELER DEVELOPMENT, LLC. petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #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)(2)a, 30-19(h)(5)a,

30-19(j), 30-19(m), 30-20(l), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; LAND USE APPROVED 3-0-3 (Cote, Crossley, and Lennon abstaining)

MOTION TO AMEND CONDITION #4 TO ADD THE FOLLOWING TEXT BEFORE THE FIRST SENTENCE:

THE PETITIONER AGREES TO INCLUDE A PRE-BLASTING SURVEY OF ABUTTER'S BORDER PLANTINGS. PLANTINGS DESTROYED AS A RESULT OF BLASTING WILL BE REPLACED BY THE PETITIONER.

APPROVED BY VOICE VOTE

MOTION TO AMEND CONDITION #18 TO MODIFY THE HOURS OF CONSTRUCTION LISTED IN THE FIRST SENTENCE AND LINE 5 TO READ:

THE HOURS OF CONSTRUCTION WILL BE 7:00 AM UNTIL 5:00 PM

THERE WILL BE NO CONSTRUCTION, INTERIOR OR EXTERIOR, ON SUNDAYS

APPROVED BY VOICE VOTE

MOTION TO APPROVE ITEM AS AMENDED APPROVED 21 YEAS, 3 NAYS (Ald. Harney, Sangiolo, Yates)

Clerk's Notes:

#344-14 ERIC BERNARD & GIDA ZIKAS-BERNARD petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE in order to replace an existing 7'x 4' landing and staircase and replace them with an approximately 23.75' x 5/7' covered porch and new staircase at 1044-1046 CHESTNUT STREET, Ward 5, on land known as SBL 51, 7, 7, containing approximately 11,390 sf of land in a district zoned MULTI RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; LAND USE APPROVED 5-0-1 (Crossley abstaining)

ITEM CHARTERED BY ALD. YATES

Clerk's Notes: Ald. Yates chartered the item without discussion.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 24 YEAS TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

Thursday, November 6, 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.

#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, 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 and Amend Special Permit #40-07, dated May 21, 2007.

HEARINGS CONTINUED

#361-14 SMADAR BABCHUCK petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to create an accessory apartment in an existing two-stall attached garage with an office and common space above at 206 WISWALL ROAD, Ward 8, NEWTON CENTRE, on land known as SBL 84, 21, 10, containing approximately 11,109 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 CONTINUED TO NOVEMBER 18, 2014

#228-14(2) GONGXIONG WU petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing attached garage and breezeway and construct a new one-stall garage with a master suite and one bedroom above it, maintaining the existing nonconforming side setback but vertically extending the nonconforming side setback, and to construct an office and bath in the attic, which will increase the nonconforming Floor Area Ratio from .42 to .56, where .38 is the maximum allowed by right, at 102 McCARTHY ROAD, Ward 8, NEWTON CENTRE on land known as SBL 84, 27, 6, containing approximately 10,033 sq. ft. 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.

WITHDRAWAL WITHOUT PREJUDICE LAND USE APPROVED 5-0 (Lennon not voting)

#520-95(3) THE CAPITAL GRILLE OF CHESTNUT HILL, INC. petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #520-95 to expand its hours of operation from 5:00 p.m. to 1:00 a.m. to 11:00 a.m. to 1:00 a.m., to modify its valet parking protocol to reduce the number of valet employees, to eliminate the

requirement for stacked parking at the rear of the site, and to allow for a podium to be used by valet employees at the front entrance at 250 BOYLSTON STREET, Ward 7, CHESTNUT HILL, on land known as SBL 82, 2, 8, containing approximately 61,304 sf of land in a district zoned BUSINESS 4. Ref: Sec 30-24, 30-23 of the City of Newton Rev Zoning Ord, 2012 and special permit #520-95 conditions 2, 8b, and c.

HEARING CLOSED; LAND USE APPROVED 5-0 (Crossley not voting)

- #365-14 **KARYOPHARM THERAPEUTICS/NS WELLS ACQUISITION LLC** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow for recombinant DNA research and technology at 75-85 WELLS AVENUE, Ward 8, on land known as SBL 84, 34, 2C in a district zoned LIMITED MANUFACTURING. Ref: Sec 30-24, 30-23, 30-12(e)(9) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; LAND USE APPROVED 5-0 (Harney not voting)

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, November 10, 2014

- #263-13 **ALD. JOHNSON & ALBRIGHT** requesting that the Planning Department document a clear and transparent process for the establishment of housing that complies with Massachusetts Chapter 40B statute so that citizens are knowledgeable of the steps needed, decision making points and decision makers. [07/15/13 @ 2:09PM]
ZONING & PLANNING APPROVED 5-0-3 (Sangiolo, Yates and Kalis abstaining)

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, November 5, 2014

Appointment by His Honor the Mayor

- #349-14 **VINCENT F. O'DONNELL**, 10 Leighton Road, Auburndale, appointed as a member of the NEWTON HOUSING AUTHORITY for a term to expire August 15, 2017 (60 days 12/05/14) [09/25/14 @ 1:39PM]
PROGRAMS AND SERVICES APPROVED (Kalis not voting)

Appointment by His Honor the Mayor

- #378-14 **PETER KASTNER**, 49 Woodbine Street, Auburndale, appointed as the *Ward 4 member* of the PARKS & RECREATION COMMISSION for a term to expire October 31, 2017 (60 days 1/2/15) [10/22/14 @ 1:14PM]
PROGRAMS AND SERVICES APPROVED (Kalis not voting)

- #339-14 **ALD. HESS-MAHAN AND SANGIOLO** requesting discussion with the Mayor's Office, the Law Department and the Clerk's Office concerning training of staff

and members of Commissions, Boards and Committees to ensure compliance with the requirements of the Open Meeting Law Commissions, particularly with respect to meeting minutes. [09/05/14 @ 2:40PM]

PROGRAMS AND SERVICES NO ACTION NECESSARY 5-0 (Baker and Hess-Mahan not voting)

- #145-12 ALD JOHNSON requesting a review by the Solicitor's office as to what constitutes "reorganization" per our City Charter. [05/16/12 @ 10:24PM]
PROGRAMS AND SERVICES NO ACTION NECESSARY 5-0 (Baker and Hess-Mahan not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, November 5, 2014

- #387-14 MICHAEL ANTONELIS, 224 Calvary Street, Waltham, MA 02453, requesting renewal of **four (4) public auto licenses, forty-nine (49) taxi licenses, and five (5) designated taxi stands** for Veterans Taxi of Newton, LLC. [09/29/14 @ 2:52 PM]
PUBLIC SAFETY APPROVED 4-0 (Harney not voting)
- #388-14 RICHARD E. JOHNSTON, 25 Border Street, West Newton, MA 02465 requesting renewal of **twenty (20) taxi licenses and two (2) designated taxi stands** for Newton Yellow Cab, Inc. [10/16/14 @ 1:45 PM]
PUBLIC SAFETY APPROVED 4-0 (Harney not voting)
- #389-14 GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **three (3) taxi licenses and two (2) designated taxi stands** for Holden's Taxi Inc. [10/10/14 @ 4:44 PM]
PUBLIC SAFETY APPROVED 4-0 (Harney not voting)
- #390-14 GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **two (2) taxi licenses** for Newtonville Cab Co. Inc. [10/10/14 @ 4:44 PM]
PUBLIC SAFETY APPROVED 4-0 (Harney not voting)
- #391-14 GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **three (3) taxi licenses** for Newton Taxi Co. [10/10/14 @ 4:44 PM]
PUBLIC SAFETY APPROVED 4-0 (Harney not voting)
- #392-14 MOHAMED SAIDI, 77 Cedar Street, Boston, MA 02119, requesting renewal of **one (1) taxi license** for Newton Luxury Cab. [09/30/14 @ 4:05 PM]
PUBLIC SAFETY APPROVED 4-0 (Harney not voting)

- #393-14 ANIS LAHIANI, 8201 Inwood Drive, Woburn, MA 01801, requesting renewal of **one (1) taxi license** for Newton Town Taxi. [10/03/14 @ 11:48 AM]
PUBLIC SAFETY APPROVED 4-0 (Harney not voting)
- #394-14 AHCENE TOURI, 1359 Centre Street, Newton, MA 02459, requesting renewal of **one (1) taxi license** for Newton Metro Cab. [10/07/14 @ 3:58 PM]
PUBLIC SAFETY APPROVED 4-0 (Harney not voting)
- #395-14 YEKATERINA PORTNAYA, PO Box 42, 90 Oak Street, 4th floor, Newton, MA 02464 requesting renewal of **one (1) public auto license** for Beantown Carriage, LLC. [10/23/14 @ 1:11 PM]
PUBLIC SAFETY APPROVED 4-0, Ald. Harney not voting
- #396-14 DOROTHY W. DUNDAS, 15 Moreland Avenue, Newton Centre, MA 02459 requesting renewal of **one (1) public auto license** for Crystal Lake Express. [09/11/14 @ 2:10 PM]
PUBLIC SAFETY APPROVED 4-0, Ald. Harney not voting
- #397-14 JERALD ROBBINS, 253 Riverview Avenue, Newton, MA 02466, requesting renewal of **four (4) public auto licenses** for Weldon Group Inc. [10/10/14 @ 3:26 PM]
PUBLIC SAFETY APPROVED 4-0 (Harney not voting)
- #398-14 DONALD LaPLANTE, 395 Lexington Street, Auburndale, MA 02466, requesting renewal of **one (1) public auto license** for Don's Car Service. [09/24/14 @ 2:08 PM]
PUBLIC SAFETY APPROVED 4-0 (Harney not voting)
- #399-14 HAMDI TLILI, 12 Appleton Street, Waltham, MA 02453, requesting renewal of **one (1) public auto license** for Newton Car Service. [09/11/14 @ 1:37 PM]
PUBLIC SAFETY APPROVED 5-0
- #400-14 MEDHI HAOUANI, 72 Beaver Street, Waltham, MA 02453, requesting renewal of **three (3) taxi licenses** for Newton Cab. [09/29/14 @ 1:16 PM]
PUBLIC SAFETY APPROVED 5-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, November 5, 2014

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #374-14 **HIS HONOR THE MAYOR** requesting authorization to appropriate the sum of sixty-five thousand dollars (\$65,000) from Free Cash to fund the installation of additional lighting around City Hall and the War Memorial. **FINANCE FINANCE APPROVED 6-0 (Lappin not voting) WITH AN EMERGENCY PREAMBLE on 11/10/14**
PUBLIC FACILITIES APPROVED 7-0 WITH AN EMERGENCY PREAMBLE

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #408-14 **HIS HONOR THE MAYOR** requesting authorization to borrow up to nine hundred seventeen thousand dollars (\$917,000) from the Massachusetts Water Resources Authority (MWRA) and authorization to expend an MWRA grant of two million seven hundred fifty-one dollars (\$2,751,000) as part of the MWRA interest free loan/grant program for the purpose of funding of sewer improvements to reduce infiltration and inflow. [10/28/14 @ 1:43 PM]
FINANCE APPROVED 6-0 (Lappin not voting) on 11/10/14
PUBLIC FACILITIES APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #407-14 **HIS HONOR THE MAYOR** requesting an amendment to the Water Revenue Budget by decreasing the Water Revenue Account by five hundred thousand dollars (\$500,000) and increasing the Transfer from Other Sources/Accumulated Water Fund Surplus by five hundred thousand dollars (\$500,000).
FINANCE APPROVED 5-0-1 (Fuller abstaining; Lappin not voting on 11/10/14
PUBLIC FACILITIES APPROVED 7-0

REFERRED TO FINANCE COMMITTEE

Monday, November 10, 2014

Present: Ald. Gentile (Chairman), Norton, Brousal-Glaser, Rice, Blazar, Fuller and Lappin;
absent: Ald. Ciccone; also present: Ald. Leary

Re-appointment by His Honor the Mayor

- #401-14 **ANTONIO BIANCHI**, 15 Colonial Avenue, Newton reappointed as a Constable for a term of office to expire on November 1, 2017. (60 days 01/02/14) [10-15-
FINANCE APPROVED 6-0 (Rice not voting)

Re-appointment by His Honor the Mayor

- #402-14 DORIS BREAY, 19 Blake Street, Newtonville, re-appointed as a Trustee of the Newton Cousens Fund for a term to expire on June 1, 2017. (60 days 01/02/14)
FINANCE APPROVED 7-0

Re-appointment by His Honor the Mayor

- #403-14 MARK DERBY, 1540 Commonwealth Avenue, West Newton, re-appointed as a Trustee of the Newton Cousens Fund for a term to expire on June 30, 2016 (60 days June 19, 2011).
FINANCE APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #374-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of sixty-five thousand dollars (\$65,000) from Free Cash to fund the installation of additional lighting around City Hall and the War Memorial. [10/15/14 @ 3:01 PM]
PUBLIC FACILITIES APPROVED 7-0 WITH AN EMERGENCY PREAMBLE on 11/05/14
FINANCE APPROVED 6-0 WITH AN EMERGENCY PREAMBLE (Lappin not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #408-14 HIS HONOR THE MAYOR requesting authorization to borrow up to nine hundred seventeen thousand dollars (\$917,000) from the Massachusetts Water Resources Authority (MWRA) and authorization to expend an MWRA grant of two million seven hundred fifty-one dollars (\$2,751,000) as part of the MWRA interest free loan/grant program for the purpose of funding of sewer improvements to reduce infiltration and inflow. { 10/28/14 @ 1:43 PM]
PUBLIC FACILITIES APPROVED 7-0 on 11/05/14
FINANCE APPROVED 6-0 (Lappin not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #407-14 HIS HONOR THE MAYOR requesting an amendment to the Water Revenue Budget by decreasing the Water Revenue Account by five hundred thousand dollars (\$500,000) and increasing the Transfer from Other Sources/Accumulated Water Fund Surplus by five hundred thousand dollars (\$500,000).
PUBLIC FACILITIES APPROVED 7-0 on 11/05/14
FINANCE APPROVED 5-0-1 (Fuller abstaining; Lappin not voting)

- #405-14 HIS HONOR THE MAYOR requesting authorization to increase the spending limit of the local Cultural Council from thirteen thousand dollars (\$13,000), which was approved as part of the operating budget in Board Order #403-13(2), to thirteen thousand five hundred thirty dollars (\$13,530) to provide additional funding for cultural events. [10-/27/14 @ 5:12 PM]
FINANCE APPROVED 6-0 (Lappin not voting)

- #406-14 HIS HONOR THE MAYOR requesting authorization to enter into a five-year contract with the successful bidder for online bill pay processing services.
[10/27/14 @ 5:12 PM]
FINANCE APPROVED 6-0 (Lappin not voting)

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF THE FINANCE COMMITTEE TO REPORT THE FOLLOWING ITEM WHICH WAS TAKEN UP BY THE COMMITTEE EARLIER IN THE EVENING WITHOUT A WRITTEN REPORT WAS APPROVED BY VOICE VOTE

REFERRED TO FINANCE COMMITTEE

- #404-14 HIS HONOR THE MAYOR requesting authorization to the transfer funds from different accounts to various municipal departments to fund items contained in the newly ratified collective bargaining agreement between the City of Newton and AFSCME Local 3092. [10/27/14 @ 5:12 PM]
HELD 6-0 (Lappin not voting)
APPROVED @ \$126,500 7-0-1 (Blazar)

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF THE FINANCE COMMITTEE TO REPORT THE FOLLOWING ITEM WHICH WAS TAKEN UP IN A COMMITTEE OF THE WHOLE EARLIER IN THE EVENING WITHOUT A WRITTEN REPORT WAS APPROVED BY VOICE VOTE

- #368-14 DIRECTOR OF ASSESSMENT ADMINISTRATION submitting for Board of Aldermen review and approval the FY 15 Municipal Property Tax Levy Distribution Percentages among residential, open space, commercial and industrial classes of Real Property. [10/15/14 @ 3:01 PM]-
COMMITTEE OF THE WHOLE APPROVED AT A RESIDENTIAL FACTOR OF 90.1475 24-0

A MOTION TO SUSPEND THE RULES TO ACCEPT AND REFER THE FOLLOWING SIX LATE FILED ITEMS WAS APPROVED BY VOICE VOTE:

REFERRED TO ZONING & PLANNING COMMITTEE

- #445-14 ALD. SANGIOLO requesting an update with members of the Newton Fair Housing Committee on the status of housing opportunities in the City of Newton.
[11/13/14 @ 2:03pm]

REFERRED TO ZONING & PLANNING COMMITTEE

- #446-14 ALD. SANGIOLO requesting a discussion with the Commission on Disability regarding the status of City compliance with ADA regulations. [11/13/14 @ 2:03pm]

REFERRED TO ZONING & PLANNING COMMITTEE

#447-14 ALD. SANGIOLO proposing an ordinance requiring the submission of building plans with applications for full or partial demolitions. [11/13/14 @ 2:03pm]

REFERRED TO ZONING & PLANNING COMMITTEE

#448-14 ALD. SANGIOLO requesting a discussion with the Newton Historical Commission regarding their process and policy of reviewing demolition applications. [11/13/14 @ 2:03pm]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#455-14 HIS HONOR THE MAYOR recommending amendment to Chapter 29, Section 80 **Sewer/Storwater use charge.** of the City of Newton Ordinances to create a storm water rate fee structure based upon square footage of impervious surface area.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#456-14 HIS HONOR THE MAYOR recommending amendments to Chapter 29, Article II. **Water.** to allow for second water meters for outside water use and to restructure the water rate fee structure.

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public Hearing assigned for December 9, 2014:

#222-14(2) 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 ¾ 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.

Public Hearing assigned for January 13, 2015:

#443-14 T. ANDREWS HINTERMAN, LDA ARCHITECTS/TIRA KHAN & DAN WINSTON petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE in order to construct an approximate 148 square-foot kitchen, pantry, and mudroom addition, which will increase the Floor Area Ratio from .50 to .53, where .44 is the maximum allowed by right, at 89 ERIE AVENUE, Ward 6, NEWTON HIGHLANDS, on land known as SBL 52, 42, 20, containing approximately 6,500 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.

Public Hearing Assigned for December 8, 2014:

#352-14 ACCESSORY APARTMENT SUBCOMMITTEE proposing that §§30-8(4)(a) and 30-9(2)(a) re proof of existence for pre-existing accessory apartments in Single Residence and Multi Residence districts be amended to change the date an owner-occupant seeking validation of an existing accessory apartment must prove its existence from December 31, 1979 to December 31, 1999. [09/29/14 @ 11:20AM]

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

#335-14 B & M CALIFORNIA STREET, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 4-unit multi-family dwelling; to extend a nonconforming structure for lot size and frontage; to allow a building height of up to 36 feet and to allow up to 3 stories; to increase the Floor Area Ratio; to waive the number of required parking stalls and, to the extent necessary, associated parking waivers, at 198 CALIFORNIA STREET, Ward 1, on land known as SBL 11, 11, 7, containing approximately 8,294 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-11(d)(8), 30-15 Table 3, 30-21(b), 30-19(d)(2) and (18) and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; LAND USE APPROVED 4-0-1 (Lennon abstaining; Lipof recused)

MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF LAND USE TO POLL HIS COMMITTEE TO SUBSTITUTE AMENDED SPECIAL PERMIT LANGUAGE WAS APPROVED BY VOICE VOTE
LAND USE APPROVED AS AMENDED 7-0-1 RECUSED (ALD. LIPOF)