

**IN BOARD OF ALDERMEN**

**BOARD ACTIONS**

Monday, January 7, 2013

Present: Ald. Albright, Baker, Blazar, Ciccone, Crossley, Danberg, Fuller, Gentile, Harney, Hess-Mahan, Kalis, Laredo, Lappin, Linsky, Rice, Salvucci, Sangiolo, Schwartz, Swiston, Yates and Lennon

Absent: Ald. Fischman, Johnson and Merrill

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 3 ABSENT, UNLESS OTHERWISE NOTED, TO TAKE THE FOLLOWING ACTIONS:**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, December 18, 2012

*The public hearing on the following item was opened on 10/16/12 and continued to 11/27/12:*

#258-12 **BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY** petition for a change of zone to Mixed Use 3/Transit Oriented District for a portion of land located at 327 Grove Street, also identified as Section 42, Block 11, Lot 3A currently zoned Public Use.  
**CONTINUED TO A DATE TO BE DETERMINED**

*The public hearing on the following item was opened on 10/16/12 and continued to 11/27/12:*

#258-12(2) **BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit oriented development including an office building of approximately 225,000 sq. ft., a residential building containing 290 apartments with 5,000 sq. ft. of retail space, a three story building containing approximately 15,000 sq. ft. of retail space and approximately 8,000 sq. ft. of community space, and related site improvements; to permit office use on the ground floor, medical office use, retail and personal establishments of more than 5,000 sq. ft., eating and drinking establishments of more than 5,000 sq. ft., retail banking and financial services, and health club establishments on the ground floor; and reduced minimum setbacks of side setback of office building, and front setback of retail/community building; parking facility design standards including stall width, stall depth, maneuvering space for end stalls, minimum width for entrance and exit driveways, tandem stalls, number of required off-street loading facilities and design standards of same, landscape screening requirements, surfacing and curbing requirements and one foot candle lighting at 327 GROVE STREET, Ward 4, on land known as SBL 42, 11, 3A containing approx. 9.4 acres of land in a proposed Mixed Use 3 Transit Oriented Zoned district. Ref: Sec 30-13(f), Table A Footnote ; 30-13(g); 30-15(v)(1); 30-15, Table 3; 30-19(d)(22); 30-19(h); 30-19(h)(2)a; 30-

19(h)(2)b); 30-19(h)(2)e); 30-19(h)(4)a); 30-19(h)(5)a); 30-19(i); 30-19(i)(1)a); 30-19(j); 30-19(j)(1)a); 30-19(j)(2)d); 30-19(l); 30-19(l)(2); 30-19(l)(3); 30-19(m); 30-23; 30-24; 30-24(i)(7) of the City of Newton Revised Zoning Ord, 2012.

**HEARING CLOSED**

*The Public Hearing on the following item was opened and continued on 11/27/12:*

#272-12(3) **BH NORMANDY OWNER, LLC** petition to AMEND Special Permit/Site Plan Approval application #272-12, for which a public hearing was opened on October 9, 2012, with respect to EXTENDING a NONCONFORMING STRUCTURE to allow construction of a ramp on the easterly side of the Hotel Indigo at 399 Grove Street, Newton Lower Falls. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

**HEARING CLOSED**

*The Public Hearing on the following item was opened on 10/9/12 and continued to 11/27/12:*

#272-12 **BH NORMANDY OWNER, LLC** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for several improvements to be completed over two phases. The first phase requires a special permit to (1) amend the current site plan by adding a pool deck awning; reconfiguring the delivery and trash pick-up area at the front of the hotel; reconfiguring the existing parking areas; reflecting existing and proposed signage; and reflecting existing wireless communications equipment; (2) extend a nonconforming structure by adding a pool deck awning; (3) obtain waivers for number of parking stalls and parking facility design standards including stall width, stall depth, handicap stall depth, maneuvering space for end stalls, maneuvering space for aisles, maximum width for entrance and exit driveways, landscape screening, interior landscaping, surfacing and curbing, one foot candle lighting, number of bicycle parking spaces, and design of loading facilities; and (4) authorize existing and proposed signage at 399 GROVE STREET, Ward 4.. The second phase anticipates that a portion of the applicant's lot will be conveyed or taken to provide rear access/egress to the proposed Riverside Development. This taking or conveyance would require special permit relief to (6) authorize an FAR greater than 1.0; (7) extend the existing nonconforming lot coverage; (8) obtain relief for the existing nonconforming building (i.e., height, number of stories and loading facility) as the building may be affected by a reduction in lot area; and (9) obtain a waiver for number of required parking stalls; all on land known as Section 42, Block 11, Lot 4 containing approximately 116,650 square feet of land in a Business 5 Zoned district. Ref: Sections 30-15, Table 3; 30-19(d)(3); 30-19(d)(13); 30-19(h); 30-19(h)(2)a); 30-19(h)(2)b); 30-19(h)(2)c); 30-19(h)(2)e); 30-19(h)(3)b); 30-19(h)(4)b); 30-19(i); 30-19(i)(1); 30-19(i)(2); 30-19(j); 30-19(j)(1)a); 30-19(j)(2)e); 30-19(k)(1); 30-19(l); 30-19(m); 30-20(f)(1); 30-20(f)(2); 30-20(f)(9); 30-20(l); 30-21(b); 30-23; 30-24; and 30-26(a)(1) of the City of Newton Revised Zoning Ordinances, 2012.

**HEARING CLOSED**

*The Public Hearing on the following item was opened on 10/9/12 and continued on 11/27/12:*

- #272-12(2) BH NORMANDY OWNER, LLC petition for a change of zone to Mixed Use 3/Transit Oriented District for a portion of land located at 399 GROVE STREET, also identified as Section 42, Block 11, Lot 4, currently zoned Business 5.  
**CONTINUED TO A DATE TO BE DETERMINED**

**REFERRED TO ZONING & PLANNING COMMITTEE**

Tuesday, December 18, 2012

Re-appointment by His Honor the Mayor

- #404-12 TABETHA McCARTNEY, 155 Hunnewell Avenue, Newton, re-appointed as a member of the PLANNING AND DEVELOPMENT BOARD for a term to expire February 1, 2017 (60 days 02/01/13) [11/19/12 @ 9:51 AM]  
**APPROVED 4-0**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, December 19, 2012

Appointment by His Honor the Mayor

- #395-12 MARC RESNICK, 57 Westgate Road, Newton Centre, appointed as a member of the DESIGN REVIEW COMMITTEE for a term to expire on December 31, 2013.  
**APPROVED 7-0**

Appointment by the Board of Aldermen

- #425-12 JAMES PURDY, 943 Chestnut Street, Newton Upper Falls, appointed as a member of the ENERGY COMMISSION for a term to expire on December 17, 2015.  
**APPROVED 7-0**

- #244-12 LEO D. SULLIVAN requesting an opportunity to make a presentation on a Community Choice Aggregation Program to lower the electric power rates for residents of Newton.  
**NO ACTION NECESSARY 7-0**

**MOTION TO SUSPEND THE RULES TO ALLOW THE FOLLOWING LATE FILED ITEM TO BE ACCEPTED TO THE DOCKET AND REFERRED TO COMMITTEE WAS APPROVED BY VOICE VOTE.**

**REFERRED TO LAND USE COMMITTEE**

- #259-12(3) AGREEMENT TO AN EXTENSION OF TIME in which to ACT on petition #259-12 a request for a SPECIAL PERMIT/SITE PLAN APPROVAL to add an attached dwelling to an existing dwelling and to construct two additional attached dwellings for a total of four dwellings at 9 RIPLEY STREET, Ward 6,

Newton Centre; said extension will run from FEBRUARY 6, 2013 to MARCH 15, 2013.

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

**LAND USE APPROVED 5-0**

**MOTION TO SUSPEND THE RULES TO ALLOW THE FOLLOWING LATE FILED ITEM TO BE ACCEPTED TO THE DOCKET AND REFERRED TO COMMITTEE WAS APPROVED BY VOICE VOTE.**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

- #18-13 HIS HONOR THE MAYOR in accordance with Chapter 279 of the Acts of 1992 submits for approval the Chief of Police Search Committee members.
- (A) Alderman Allan Ciccone, Jr., Chair, Public Safety and Transportation
  - (B) Gary Bearfield, Citizen appointed by Board of Aldermen
  - (C) Officer Eddie LaValle, Newton Police Association
  - (D) Seana Gaherin, Business Executive
  - (E) Laura Holt, Esquire
  - (F) Honorable Conrad J. Bletzer, Retired Judge
  - (G) Stephen Unsworth, MA Police Chief's Association
  - (H) Associate Professor Nathan Phillips, Citizen
  - (I) Mr. Darrell Settles, Citizen
  - (J) David MacDonald, Newton Superiors Police Association

**MOTION TO SUSPEND THE RULES TO ALLOW THE FOLLOWING LATE FILED ITEM TO BE ACCEPTED TO THE DOCKET AND REFERRED TO COMMITTEE WAS APPROVED BY VOICE VOTE.**

**REFERRED TO FINANCE COMMITTEE**

- #19-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of seventeen thousand four hundred eighty dollars (\$17,480) from Fiscal Year 2013 Budget Reserve to Public Buildings Repairs & Maintenance Account to fund the demolition costs for the Department Public Works salt shed that was damaged beyond repair during Hurricane Sandy.

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

*Public Hearing assigned for January 23, 2013:*

- #9-13 NATIONAL GRID requesting a grant of location to install and maintain 80' ± of 4" gas main in DOROTHY ROAD from the existing 4" gas main at 34 Dorothy Road southerly to 45 Dorothy Road. (Ward 8) [12/13/12 @ 9:24 AM]

*Public Hearing assigned for January 23, 2013:*

#10-13      NSTAR ELECTRIC petitioning for a grant of location to install one new pole (100/9A) in GREEN PARK on the northerly side 70' ± west of Waverly Avenue. (Ward 7) [12/20/12 @ 11:56 AM]