

IN BOARD OF ALDERMEN

BOARD ACTIONS

Tuesday, February 19, 2013

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

1 Vacancy

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

#56-13 BOARD OF ELECTION COMMISSIONERS recommending that Home Rule Legislation be sought to forego a special election to fill the position of Ward 1 Alderman at-Large, due to a death. The vacancy would be filled at the upcoming November 5, 2013 municipal election and the individual would be sworn into office immediately following the election.

PROGRAMS & SERVICES APPROVED 4-2 (Sangiolo and Rice opposed)

DENIED 12 NAYS, 10 YEAS (Ald. Albright, Baker, Blazar, Ciccone, Danberg, Fischman, Gentile, Harney, Lappin, Linsky), 1 ABSENT (Ald. Lennon), 1 VACANCY

Clerk's Note: Those in favor of seeking home rule legislation to forego a special election cited the costs of a special election, the difficulty of undertaking a dual election, voter confusion that might result at a dual election, and that if the election were held in June, there would only be two months of activity (September and October) before the regular election in November. Those who voted against the request cited the City Charter's directive to hold an election forthwith and that holding the election in conjunction with the upcoming June 25th special Senate election would fill the seat sooner than waiting until November and allow full representation for Ward 1.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 1 VACANCY TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

Tuesday, February 5, 2013

#416-12 MAIN GATE REALTY LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and CHANGE in a NONCONFORMING USE to allow a ~~service or~~ retail and/or office use ~~a yoga and life coaching business~~ and to locate 5 parking stalls in the front setback with a 3-foot drive width and to erect a freestanding sign at 242-244 COMMONWEALTH AVENUE, Ward 7, ~~and in addition to allow office, service, retail, or medical office as a future use and to waive 2 required~~

~~parking stalls for future conversion to medical office use at 242-244 COMMONWEALTH AVENUE, on land known as SBL 61, 13, 11, containing approximately 7,452 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(g)(1), (g)(3), 30-19(d)(12), and 30-19(m), 30-20(e)(4), 30-20(l), of the City of Newton Rev Zoning Ord, 2012.~~

LAND USE APPROVED 5-0

REQUEST TO ALLOW SERVICE USE AND/OR CONVERSION TO MEDICAL OFFICE AND ASSOCIATED PARKING WAIVER WITHDRAWN WITHOUT PREJUDICE 5-0

#417-12 CHESTNUT HILL SHOPPING CENTER, LLC/C&R REALTY TRUST petition for a SPECIAL PERMIT /SITE PLAN APPROVAL for a comprehensive sign package at 1-55 BOYLSTON STREET, Ward 7, CHESTNUT HILL, on land known as Sec. 63, Blk. 37, Lots 18A, 22, 25, 26, 27 in a district zoned BUSINESS 4. Ref: 30-24, 30-23, 30-20(l) of the City of Newton Rev Zoning Ord, 2012. Ref: Sec 30-24, 3-23, 30-20(f)(1), (f)(2), (f)(3), and (f)(9) of the City of Newton Rev Zoning Ord, 2012.

LAND USE APPROVED 5-0

#23-13 BENJAMIN GOMEZ petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NON CONFORMING STRUCTURE to enclose an existing second story deck in order to expand the master suite and to construct a small addition onto the west side of the house to expand the living room and a second floor bedroom, which will increase the existing nonconforming floor area ratio of .38 to .40, where .35 is allowed by-right, at 55 ALBAN ROAD. Ward 5, Waban, on land known as SBL 55, 19, 17, in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; LAND USE APPROVED 6-0

#149-03(5) BERTUCCI'S COPORATION/THE NOLAN BROTHERS petition to AMEND the SITE PLAN approved in SPECIAL PERMIT #149-03(4), granted on October 15, 2012, that allowed a restaurant use of up to 100 seats and attendant waiver of 25 parking spaces at 300 NEEDHAM STREET, Ward 8. The petitioners are now seeking 20 outdoor seats that require an additional waiver of 12 parking spaces on land known as SBL 83, 30, 11, containing 205,211 sq. ft. of land in a MIXED USE 1 District. Ref: Sec 30-24, 30-23, 30-19©, (d)(13), and (m), 30-13(b)(5) of the City of Newton Zoning Ord 2012 and Special Permit #149-03 and #149-03(2).

HEARING CLOSED; LAND USE APPROVED 6-0

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, February 11, 2013

Re-appointment by His Honor the Mayor

#332-12 DANIEL GREEN, 46 Glen Avenue, Newton Centre, re-appointed as a member of

THE CONSERVATION COMMISSION for a term to expire October 25, 2015.
 (60 days 01/04/13) [10/25/12 @ 10:51AM]
ZONING & PLANNING NO ACTION NECESSARY 5-0 (Yates not voting)

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, February 6, 2013

- #57-13 BOARD OF ELECTION COMMISSIONERS requesting approval of Tuesday, September 17, 2013, as the date of the Preliminary Municipal Election in accordance with Article 8 Section 1 of the City Charter.
PROGRAMS & SERVICES APPROVED 6-0
- #370-06(2) CLERK OF THE BOARD OF ALDERMEN requesting a re-vote of the request
 (#54-13) for special legislation previously approved on January 17, 2012 to authorize placement of a non-binding public opinion advisory question on the ballot for either a regular or special municipal election in accordance with the procedures established by section 18A of G.L. chapter 53.
PROGRAMS & SERVICES APPROVED 6-0
- #228-12 RECODIFICATION COMMITTEE recommending that **Chapter 28 VETERANS' SERVICES** be amended by deleting **Secs. 8 through-10**, which refer to “a physician to the department of veterans’ services” – a position that no longer exists.
PROGRAMS & SERVICES APPROVED 5-0 (Baker not voting)

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

REFERRED TO LAND USE COMMITTEE

Tuesday, February 12, 2013

- #277-10(3) JENNIE MARIE ONE LLC/JENNIE MARIE TWO LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing single-family dwelling and construct a multi-family dwelling containing a total of nine 2-bedroom units (three units per floor), with the first floor units adaptable under the Massachusetts Architectural Access Code, and parking to the rear (accessed by Cottage Court) at 152 ADAMS STREET, Ward 1, Nonantum on land known as SBL 14, 14, 33, containing ≈14,532 sq. ft. of land in districts zoned BUSINESS 1 and BUSINESS 2. Ref: Sec 30-24, 30-23, 30-11(d)(8), 30-11(j), 30-15(h), 30-15 Table 30-19(h)(2)a, b, d), 30-19(i)(1)a)i, 30-19(j)(1), and 30-19(m) the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED ON DECEMBER 11, 2012; LAND USE APPROVED 6-0

Public Hearings were held on the following items:

#277-10(4) JENNIE MARIE ONE LLC/JENNIE MARIE TWO LLC petition to AMEND Special Permit/Site Plan Approval application #277-10(3), for which a public hearing was opened and closed on December 11, 2012. The petitioner is seeking relief from the required 24-foot maneuvering aisle width of at least 24 feet to allow a 20-foot wide aisle to increase the front setback distance of the proposed building from 5 feet to 9 feet so that residents of the proposed 9-unit building at 138-142 Adams Street will have increased privacy and a decrease in street noise, Ward 1. Ref: Sec 30-24, 30-23, 30-19(h)(3)(a) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; LAND USE APPROVED 6-0

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public Hearing assigned for March 6, 2013:

#67-13 SRDJAN S. NEDELJKOVIC et al. requesting the Board of Aldermen to expand by resolution the area represented by the Newton Highlands Neighborhood Area Council pursuant to Article 9, Section 9-4, of the City of Newton Charter. [01/31/13 @ 9:15 AM]

Public Hearing assigned for March 6, 2013:

#68-13 JOY HUBER et al. requesting the Board of Aldermen to establish by resolution a Newtonville Neighborhood Area Council pursuant to Article 9, Section 9-3, of the City of Newton Charter. [02/01/13 @ 2:22 PM]

Public hearing assigned for March 6, 2013:

#70-13 NSTAR ELECTRIC petitioning for a grant of location to install a new pole (100/8) in COLUMBUS STREET on the northeasterly side opposite Standish Street. (Ward 6) [02/04/13 @ 1:00 PM]

Public hearing assigned for March 6, 2013:

#71-13 COMCAST petitioning for a grant of location to install 70' ± of 3" conduit in NEWTONVILLE AVENUE from 122' westerly of the intersection of Bowers Street and Newtonville Avenue in a westerly direction to 458-462 Newtonville Avenue. (Ward 2) [02/12/13 @ 11:31 AM]

Public Hearing assigned for Thursday, March 14, 2013,

#190-12 YOUNG INVESTMENTS, LLC/NEWTON COMMUNITY SERVICE CENTER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing 2-story building and construct a 3-story (36.5') multi-family structure with 13 units (with a 1.47 FAR), 996 sq. ft. of office space on the first floor, an 18-stall below grade parking garage, a retaining wall greater than 4 feet in height in the setback, and to waive 11 parking stalls and certain parking dimensionals at 429 CHERRY STREET, Ward 3, WEST NEWTON, on land known as SBL 33, 12, 12, containing approximately 13,398 sq. ft. of land in district zoned Business

1. Ref: Sec 30-24, 30-23, 30-15 Table 3, 30-11(d)(8), 30-5(b) and (b)(4), 30-19(d)(1), (d)(11), 30-19(h)(3), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

This item, which was approved 21 yeas 1 nay (Alderman Sangiolo) 1 recused (Alderman Swiston) on December 3, 2012, was after an appeal filed by the Greater Boston Chinese Cultural Association remanded by the Massachusetts Land Court on January 30, 2013 for a new Public Hearing to be held within 65 days.

Public Hearing assigned for March 19, 2013:

#58-13 ROBERT FRANCHI/MARCH V. FRANCHI TRUST, MARY V. FRANCHI, TRUSTEE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to convert an existing two family structure into two single-family attached dwellings and to construct two single-family attached dwellings; to waive front and side setback requirements; and to locate a driveway within 10 feet of the side lot line at 281 NEVADA STREET, Ward 1, on land known as SBL 23, 6, 9, containing approx.. 17,999 sq. ft. 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 of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for March 19, 2013:

#59-13 JEFFREY A. ORLIN & FRANCES KEECH petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to convert an attic into a master bedroom suite, which will increase the Floor Area Ratio from .41 to .53 where .45 is allowed at 105 NONANTUM STREET, Ward 1, on land known as SBL 72, 21, 14, containing approx. 5,872 sq. ft. of land in a district zoned SINGLE FAMILY 2. Ref: Sec 30-24, 30-23 3015 Table A, 30-15(u) and u(2) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for March 19, 2013:

#60-13 JOHN & CAROLE deJONG petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to locate a veterinary hospital and to waive two parking stalls at 602 WASHINGTON STREET, Ward 2, on land known as SBL 14, 16, 4 and 23, 18, 1, containing approx. 7,076 sq. ft. of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 30-11(g)(7), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for March 19, 2013:

#61-13 STEPHEN EDSALL/MICHAEL J. CEDRONE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct 4 attached dwellings in 2 buildings; waive the side setback requirements; and locate a driveway within 10 feet of the side lot line at 288 NEVADA STREET, Ward 1, on land known as SBL 14, 16, 4, containing approx. 50,227 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 30-24, 30-23, 30-9(b)(5)a) and b) of the City of Newton Rev Zoning Ord, 2012.