

REPORTS DOCKET

Feb. 5: Land Use Continued
Feb. 6: Programs & Services; Public Safety & Transportation Page 32
Feb. 11: Zoning & Planning Monday, February 4, 2013
Feb. 12: Land Use 7:45 PM, Newton City Hall
To be reported on
TUESDAY, FEBRUARY 19, 2013

CITY OF NEWTON

IN BOARD OF ALDERMEN

REFERRED TO LAND USE COMMITTEE

Tuesday, February 5, 2013

Present: Ald. Hess-Mahan (Chairman), Ald. Crossley, Laredo, Fischman, and Schwartz; absent: Ald. Harney; 1 vacancy; also present: Ald. Fuller and Baker

#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.

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REQUEST TO ALLOW SERVICE USE AND/OR CONVERSION TO MEDICAL OFFICE AND ASSOCIATED PARKING WAIVER WITHDRAWN WITHOUT PREJUDICE 5-0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

APPROVED 5-0

REFERRED TO LAND USE COMMITTEE

Tuesday, February 12, 2013

Present: Ald. Hess-Mahan (Chairman), Ald. Laredo, Albright, Crossley, Fischman, and Harney; absent Ald. Schwartz; 1 vacancy; also present: Ald. Lennon

#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; 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; APPROVED 6-0

#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; APPROVED 6-0

- #149-03(5) BERTUCCI'S COPRORATION/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; APPROVED 6-0

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, February 11, 2013

Present: Ald. Johnson (Chairman), Baker, Lennon, Danberg, Yates and Swiston; absent: Ald. Sangiolo and Kalis; also present: Ald. Hess-Mahan, Crossley and Fischman

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]
NO ACTION NECESSARY 5-0 (Yates not voting)

Re-appointment by His Honor the Mayor

- #25-13 DANIEL GREEN, 46 Glen Avenue, Newton Centre, re-appointed as a member of the CONSERVATION COMMISSION for a term to expire January 2, 2016. (60 days 03/23/13) [01/03/13 @ 1:59 PM]
HELD 5-0 (Yates not voting)

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

- #316-12(2) COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of four hundred seventy-five thousand dollars (\$475,000) to the Planning and Development Department to continue the Newton Homebuyer Assistance Program as described in the proposal amended in December 2012. (#55-13) [01/25/13 @ 12:33 PM]
FINANCE TO MEET
APPROVED 6-0

- #316-12(3) DEPARTMENT HEADS HAVENS, LOJEK AND ZALEZNIK requesting amendments to the **City Zoning Ordinance**, Chapter 30, Sections 30-11, 30-13, 30-19 and 30-21 as needed to establish parameters regarding parking requirements and maximum number of seats consistent with the Sidewalk Café Ordinance. (#53-13) [01-30-13 @ 5:15 PM]
HELD 6-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, February 6, 2013

Present: Ald. Linsky (Acting Chairman), Sangiolo, Blazar, Rice, Fischman and Baker; absent: Ald. Hess-Mahan; 1 vacancy; also present: Ald. Danberg, Fuller, Lappin, Harney and Yates

#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.
APPROVED 4-2 (Sangiolo and Rice opposed)

#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.
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.
APPROVED 6-0

#34-13 **ALD. DANBERG, ALBRIGHT, BLAZAR, RICE, LINSKY AND CROSSLEY** requesting a prohibition on polystyrene-based disposable food or beverage containers in the City of Newton if that packaging takes place on the premises of food establishments within the City. [01/03/13 @ 11:01 AM]
HELD 6-0

REFERRED TO PROGRAMS & SERV. AND PUBLIC FACILITIES COMMITTEES

#315-12 **ALD. FULLER, RICE AND GENTILE** of the Angier School Building Committee providing updates and discussion on the Angier School Building project as it develops through the site plan approval process. [10/02/12 @ 3:37PM]
HELD 6-0

REFERRED TO PUBLIC FACILITIES AND PROGRAMS & SERVICES COMMITTEES

#231-12 **RECODIFICATION COMMITTEE** recommending that **Sec. 11-11. Permit to cart trash and/or recyclable materials.** be deleted as G.L.c.111 §31A authorizes the Health Department to require registration for “garbage,” which is addressed in Sec. 11-5.
PUBLIC FACILITIES TO MEET
APPROVED 5-0 (Baker not voting)

#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.

APPROVED 5-0 (Baker not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, February 6, 2013

Present: Ald. Ciccone (Chair), Yates, Swiston, Fuller, Schwartz, Harney, Johnson and Kalis

#299-12 DIRECTOR OF PLANNING & DEVELOPMENT, requesting a discussion regarding a policy-based management plan for parking. [09/24/12 @ 3:17 PM]
HELD 6-0 (Fuller and Yates not voting)

#300-12 DIRECTOR OF PLANNING & DEVELOPMENT, requesting amendments to Chapter 19 to establish parameters around which parking meter “holidays” may be allowed and identifying the authority for making determinations of eligibility. [09/24/12 @ 3:17 PM]
HELD 5-1 (Johnson opposed, Fuller and Yates not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION & FINANCE COMMITTEES

#363-10(2) ALD. ALBRIGHT proposing a trial of parking meter free Saturdays between Thanksgiving and New Year for the shopping areas to support shopping at local businesses in Newton. [02/10/12 @ 9:13 AM]
NO ACTION NECESSARY 6-0 (Fuller and Yates not voting)

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Trisha Guditz, 617-796-1156, via email at TGuditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date