

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, August 12, 2013

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

Absent: Ald. Fischman

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

REFERRED TO LAND USE COMMITTEE

Tuesday, July 16, 2013

Public Hearing was continued on the following item:

#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.
(Public Hearing opened on 10/09/12, continued to 11/27/12; continued to 12/18/12)
HEARING CLOSED; LAND USE HELD 6-0

Public Hearing was continued on the following item:

#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.
(Public hearing opened on 10/16/12, continued to 11/27/12; continued to 12/18/12)
HEARING CLOSED; LAND USE HELD 6-0

REFERRED TO LAND USE COMMITTEE

Tuesday, July 23, 2013

#216-13 PATRICIA FLATLEY petition for Special Permit/Site Plan Approval to exceed the by-right Floor Area Ratio of .30 to .32 in order to construct a new single-family dwelling at 80 DARTMOUTH STREET, Ward 3, West Newton, on land known as SBL 32, 34, 11, containing approximately 19,371 sq. ft. of land, in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15(u), (u)(2), 30-15 Table A of the City of Newton Rev Zoning Ord, 2012.
LAND USE APPROVED 5-0

- #215-13 CHRISTINA & JOHN HENNESSEY petition for Special Permit/Site Plan Approval to use 594 sq. ft. of the existing basement as an accessory apartment at 45 BRAE BURN ROAD, Ward 4, Auburndale, on land known as SBL 43, 4, 1, containing approximately 14,739 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-22, 30-8(d)(1), and 30-8 Table of the City of Newton Rev Zoning Ord, 2012.
LAND USE APPROVED 5-0

REFERRED TO LAND USE COMMITTEE

Tuesday, July 30, 2013

The public hearing opened on May 14, 2013 was continued:

- #141-13 ZION YEHOASHUA & NIKZUN GORDON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to re-grade an existing driveway to make it less steep by rebuilding existing retaining walls within the setback at a maximum height of 6 feet and to provide 2 parking spaces with the front setback at 74 NEWTONVILLE AVENUE, Newton, Ward 1, on land known as SBL 12, 21, 25 containing approx. 10,021 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-19(g)(1), 30-19(m), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED

The public hearing opened on June 11 was continued:

- #180-13 SURGE CAPITAL CORPORATION petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to create garage parking for 2 cars beneath a single-family dwelling currently under construction which will increase the Floor Area Ratio to .48 where .45 is allowed by right at 20 BURRAGE ROAD, Ward 7, on land known as SBL 73, 28, 6, containing approx. 5,771 sf of land in a district zoned SINGLE FAMILY 2. Ref: Sec 30-24, 30-23, 30-15(u) and Table A of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; LAND USE APPROVED 4-0 (Fischman not voting)

- #416-12(3) MAIN GATE REALTY petition to AMEND Special Permit/Site Plan Approval for a Change in Nonconforming Use #416-12, granted on 2/10/13 for retail and/or office uses, to allow a massage therapy business at 242-244 COMMONWEALTH AVENUE, Ward 7, Chestnut Hill, 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)(1) of the City of Newton Rev Zoning Ord, 2012.
LAND USE APPROVED 5-0

- #217-13 JEAN TEILLON, CHUNGDAHM READWRITE/DAN WOOLEY & JOHN FINLEY, III, TRUSTEES c/o CREATIVE DEVELOPMENT CO., LLC. petition for a Special Permit/Site Plan Approval for a for-profit educational use formerly occupied by the non-profit Newton Community Service Center at 1254

CHESTNUT STREET/70 LINDEN STREET, Ward 5, Newton Upper Falls, on land known as SBL 51, 35 and 34, 1 and 2, containing approximately 93,480 sq. ft., in a district zoned MANUFACTURING. Ref: Sec 30-24, 30-23, 30-5(b)(2) of the City of Newton Rev Zoning Ord, 2012.

LAND USE APPROVED 5-0

REFERRED TO LAND USE COMMITTEE

Tuesday, August 6, 2013

- #325-06(3) **RUSSIAN SCHOOL OF MATHEMATICS/RJ WELLS MANAGEMENT, LLC.** petition to AMEND Special Permit/Site Plan Approval #325-06, granted on 12/18/06 for a for-profit education use, a waiver of parking provisions, and two free-standing signs, in order to increase the class size from 10 to 15 students; increase the number of classes at a time from 10 to 17; allow up to 28 employees on-site at a time; allow a revised parking, drop-off, and pick-up plan with a new driveway; and a revised lighting plan and a revised directional and signage package at 200 WELLS AVENUE, Ward 8. Ref: Sec 30-24, 30-23 of the City of Newton Rev Zoning Ord, 2012.

APPROVED 7-0 SUBJECT TO 2nd CALL

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

LAND USE APPROVED 6-0

Clerk's Note: As the draft special permit board order was completed and in the packets before the meeting, the committee voted to allow this item to be voted on first call.

- #325-06(4) **RUSSIAN SCHOOL OF MATHEMATICS /RJ WELLS MANAGEMENT, LLC** requesting that the restriction adopted by Board Order #276-68(3), dated November 18, 1968, and subsequent amendments be further amended to reflect the amendments proposed in petition #325-06(3) and to legalize an existing shed and construct a fenced-in play area ancillary to the for-profit school at 200 WELLS AVENUE, Ward 8. *NOTE: Public Hearing not required.*

LAND USE APPROVED 7-0

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

LAND USE NO ACTION NECESSARY 6-0

Clerk's Note: After discussion and vote by the Land Use Committee, the Law, Planning and Inspectional Services Departments determined that there was no need to amend the deed restrictions that are in place on the property and that there was no action necessary on this request.

REFERRED TO ZONING & PLANNING COMMITTEE

Wednesday, July 17, 2013

Appointment by His Honor the Mayor

#239-13 ROGER S. WYNER, 16 Pettee Street, Newton Upper Falls, appointed as a *full* member of the PLANNING AND DEVELOPMENT BOARD for a term to expire June 3, 2018. (60 days 09/06/13) [06/12/13 @ 9:02 AM]
ZONING & PLANNING APPROVED 4-0 (Sangiolo not voting)

#221-13 THE COMMISSION ON DISABILITIES requesting to amend the name of the "Commission on Disabilities" to the "Commission on Disability" in **Chapter 22, Section 22-100** of the City of Newton Ordinances. [06/07/13 @ 9:59 AM]
ZONING & PLANNING APPROVED 4-0 (Sangiolo not voting)

A MOTION TO SUSPEND THE RULES TO ACCEPT THE FOLLOWING TWO LATE FILED ITEMS TO THE DOCKET AND REFER THEM TO COMMITTEE WAS APPROVED BY VOICE VOITE

REFERRED TO FINANCE COMMITTEE

#7-13(2) HIS HONOR THE MAYOR requesting authorization to transfer the sum of thirty thousand dollars (\$30,000) from the Fiscal Year 2014 Budget Contingency Account to the Executive Office Engineering Services Account for the purpose of funding an engineering study regarding the Waban Hill Reservoir and embankment on Manet Road in Chestnut Hill.

REFERRED TO FINANCE COMMITTEE

#289-13 HIS HONOR THE MAYOR requesting authorization in accordance with MGL Chapter 30B, Sec. 12 to enter into a contract for coin counting with the successful bidder for a term of five years. [08/08/13 @ 3:59 PM]

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF THE LAND USE COMMITTEE TO POLL HIS COMMITTEE ON THE FOLLOWING TWO ITEMS AND REPORT THE VOTE WITHOUT A WRITTEN REPORT WAS APPROVED BY VOICE VOTE.

REFERRED TO LAND USE COMMITTEE

#141-13 ZION YEHOASHUA & NIKZUN GORDON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to re-grade an existing driveway to make it less steep by rebuilding existing retaining walls within the setback at a maximum height of 6 feet and to provide 2 parking spaces with the front setback at 74 NEWTONVILLE AVENUE, Newton, Ward 1.
LAND USE APPROVED REQUEST FOR WITHDRAWAL WITHOUT PREJUDICE 6-0

REFERRED TO LAND USE COMMITTEE

#179-13(2) AGREEMENT to an EXTENSION of TIME in which to ACT on petition #179-13 for a special permit to construct single-family attached dwelling(s) containing 5 units and to waive the 10-foot driveway setback requirements and for a retaining wall greater than 4 feet located within a setback at 22 and 26 BEECHER TERRACE, Ward 6; said EXTENSION will run from September 9, 2013 to October 31, 2013.

LAND USE APPROVED AGREEMENT TO AN EXTENSION OF TIME**6-0**

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 1 ABSENT (Ald. Fischman), 2 RECUSED (Ald. Laredo and Schwartz), 1 VACANCY TO TAKE THE FOLLOWING ACTION:

#178-13 RIVERSIDE CHILDREN'S CENTER /THE UNION CHURCH OF WABAN petition to AMEND SITE PLAN APPROVAL #704-83, granted on 12/19/83 for a nursery school for no more than 15 children, to increase the enrollment to a maximum of 55 students and for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive 8 parking stalls and for associated waivers including parking within front and side setbacks and within 5' from a street; required dimensions for parking stalls and minimum aisle width; landscape screening and interior landscaping requirements; lighting requirements including waiving barriers at edges of surfaced areas; minimum 3-foot wide curb ramps; bicycle parking facilities at 14 COLLINS ROAD, Ward 5, Waban, on land known as SBL 55, 48, 36 and 37, Ref: Sec 30-24, 30-23, 30-5(a)(3)(d)(iii), 30-19(d)(16), 30-19(h)(1), (2)(a), (2)(b), (3)(a), (i)(1), (i)(1)a, (i)(2), (j)(1)a, (j)(1)b, (j)(2)e, (j)(2)f, (k), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

LAND USE APPROVED 4-0-1 (Fischman abstaining)

THE FOLLOWING PUBLIC HEARINGS WERE ASSIGNED.

Public hearing assigned for August 14, 2013:

#282-13 NATIONAL GRID requesting a grant of location to install and maintain 185' ± of 4" gas main in PAULSON ROAD from the existing 4" gas main at house 140 Paulson Road in an easterly direction to serve houses 154, 1650, and 165 Paulson Road. (Ward 5) [08/01/13 @ 1:42 PM]

Public hearing assigned for September 10, 2013:

#141-13(2) ZION YEHOASHUA & NIKZUN GORDON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to re-grade an existing driveway to make it less steep by rebuilding existing retaining walls within the setback at a maximum

height of 12 feet and to provide 2 parking spaces within the front setback at 74 NEWTONVILLE AVENUE, Newton, Ward 1, on land known as SBL 12, 21, 25 containing approx. 10,021 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-19(g)(1), 30-19(m), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.

Public hearing assigned for September 10, 2013:

#259-13 CYPRESS DEVELOPMENT, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NON-CONFORMING USE/STRUCTURE to allow the expansion of a legal nonconforming three-family dwelling and to locate 4 parking stalls 6 feet from the side lot line at 43-45 HIGH STREET, Newton Upper Falls, Ward 5, on land known as SBL 51, 8, 5, containing approximately 25,618 square feet of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)a), 30-21(b), 30-9(b)(5)a) and b), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

Public hearing assigned for September 10, 2013:

#260-13 COREPOWER YOGA/TAURAU ONE NEWTON PLACE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL for a parking waiver for 9 parking stalls for a yoga studio with locker room facilities at 275 WASHINGTON/284-291 CENTRE STREET, Ward 1, NEWTON CORNER on land known as SBL 61, 13, 11, containing approximately 78,813 square feet of land in a district zone BUSINESS 1. Ref: 30-24, 30-23, 30-19(d)(21), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

The following item, approved by the Board of Aldermen on December 3, 2012, was the subject of an appeal by the Greater Boston Chinese Cultural Association to Massachusetts Land Court on December 20, 2012; on January 30, 2013 the Land Court remanded the item for a new public hearing.

Public hearing assigned for September 10, 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.

Public hearing assigned for September 11, 2013:

#283-13 NSTAR ELECTRIC petitioning for a grant of location to install 368' ± of conduit in SPIERS ROAD from an existing manhole 68' ± in a westerly direction thence

turning onto TOCCI PATH continuing 300' ± in a northwesterly direction and to install Manhole #MH29679 in Tocci Path. (Ward 8) [08/02/13 @ 11:27 AM]

Public hearing assigned for September 11, 2013:

#284-13 NSTAR ELECTRIC petitioning for a grant of location to install 332' ± of conduit in SPIERS ROAD from an existing manhole 50' ± in a westerly direction thence turning onto AVERY PATH continuing 282' ± in a northwesterly direction and to install Manhole #MH29680 in Avery Path. (Ward 8) [08/05/13 @ 10:24 AM]

Public hearing assigned for September 11, 2013:

#285-13 NSTAR ELECTRIC petitioning for a grant of location to install 334' ± of conduit in SPIERS ROAD from an existing manhole 50' ± in a northerly direction thence turning onto CAVANAUGH PATH continuing 284' ± in a northwesterly direction and to install Manhole #MH29678 in Cavanaugh Path. (Ward 8) [08/05/13 @ 10:24 AM]

Public hearing assigned for September 11, 2013:

#286-13 DESIGN REVIEW COMMITTEE petitioning, pursuant to Sec 5-58, for site plan approval of a new 75,000 SF elementary school to be located on the existing Angier Elementary School site at 1697 Beacon Street. [08/05/13 @ 2:21 PM]

Public hearing assigned for September 23, 2013:

#406-12(2) ALD. JOHNSON requesting that the existing provisions of Sec. 30-20(h)(6) *Election signs*. be deleted and that the following provisions be inserted in place thereof: "Election signs may erected no earlier than forty-five (45) days before an election and shall be removed within seven (7) days after the election."