

IN BOARD OF ALDERMEN

BOARD ACTIONS

Tuesday, September 3, 2013

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

Absent: Ald. Baker and Fischman 1 Vacancy

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 2 ABSENT (Ald. Baker & Fischman), 1 VACANCY TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

Tuesday, August 13, 2013

#230-13 **FALLON CUSTOM HOMES/CELINE GREGOIRE & YVES RAYMOND**
petition for a SPECIAL PERMIT/SITE PLAN APPROVAL/EXTENSION of a NONCONFORMING STRUCTURE to enclose an existing open porch to create a mudroom of approximately 122 sf and to build a new enclosed basement staircase, which will increase the Floor Area Ratio from .46 to .48, exceeding the .39 maximum allowed by right, at 31 LORING STREET, Ward 7, Newton Centre, on land known as SBL 73, 29, 5, containing approximately 11,374 s.f. of land in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-21(b), 30-15(u) 30-15 Table A of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; LAND USE APPROVED 7-0

#232-13 **TRACY & LARRY RICHMOND** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 3-car attached garage and add second-floor space and expand the kitchen, increasing the Floor Area Ratio from .28 to .35, where .29 is allowed by right, at 38 BEECHCROFT ROAD, Ward 7, on land known as SBL 72, 35, 2, containing approximately 19,058 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15(u), 30-15 Table A.

HEARING CLOSED; LAND USE APPROVED 7-0

#233-13 **DAVID SANDS, TRUSTEE of 37 BALDPATE HILL ROAD NOMINEE TRUST** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE in order to expand an existing mudroom and to construct a rear addition to the first and second floors, increasing the Floor Area Ratio from .36 to .41, where .29 is allowed by right, at 37 BALDPATE HILL ROAD, Ward 8, on land known as SBL 82, 25, 52, containing approximately 23,455 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b) 30-15 Table A, 30-15(u) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; LAND USE APPROVED 7-0

- #234-13 PETER G. SMICK petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to widen an existing driveway to allow side-by-side parking for two cars in the front setback including the removal of an existing retaining wall at 48 SUMMIT STREET, Ward 1, Newton, on land known as SBL 12, 21, 28, containing approximately 5,010 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-19(g)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; LAND USE APPROVED 7-0
- #235-13 JACOB & ASSOCIATES INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING USE/STRUCTURE for the addition of a canopy over gasoline pumps and ~~if necessary~~ for a freestanding sign at an existing gasoline service station at 1232-1236 WASHINGTON STREET, Ward 3, West Newton, on land known as SBL 31, 4, 14, containing approximately 20,933 sf of land in a district zoned BUSINESS 1. Ref: Sec. 30-24, 30-23, 30-21(a)(2)a), and 30-20(l) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; LAND USE APPROVED 7-0
- #231-13 JAMES KOERT, CU, INC. d/b/a/ MyGym/DAN WOOLEY & JOHN FINLEY III, TRUSTEES c/o CREATIVE DEVELOPMENT CO., LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to locate a for-profit physical educational use for children at 30 OSSIPEE ROAD/70 LINDEN STREET, Ward 5, Newton Upper Falls, on land known as Sec. 51, Blocks 34 and 35, Lots 1 and 2 in a district zoned MANUFACTURING. Ref: Sec 30-24, 30-23 and 30-5(b)(2) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED
- #229-13 NEEDHAM CHESTNUT REALTY, LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and for a NONCONFORMING STRUCTURE to demolish an existing single-story building of approximately 14,084 sf and construct a new single-story building containing approximately 7,140 sf to be used for retail and restaurant purposes and to waive certain dimensional requirements such as minimum aisle width, lighting, loading dock, interior landscaping, etc. at 170 NEEDHAM STREET, Ward 8, on land known as SBL 83, 28, 2 containing approx. 24,422 sf of land in a district zoned MIXED USE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-13(b), (b)(1) and (5), 30-19(m), 30-19(h)(3), (j)(1), (l) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED
- #218-13(2) FALLON DEVELOPMENT INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a rear lot subdivision to construct two single-family dwellings, including if necessary relief to locate the proposed rear house further away from the proposed rear lot line at 131 OTIS STREET, Ward 2, Newtonville, on land known as SBL 24, 12, 16, containing approximately 48,677 sq. ft. of land, in a

district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-15(r), 30-15(r) Table 4 Footnote 3 of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED

- #236-13 **CHARLES RIVER COUNTRY CLUB** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING USE to expand the existing clubhouse loggia by approximately 427 sf; to add a Bag Room (approximately 1,080 sf) adjacent to the 1st fairway; to expand the props shop (approximately 43 sf), to expand the second floor Pub over the props shop by approximately 951 sf , and to fill in on each of three levels at the left of the building (approximately 819 sf), all of which proposed changes will bring the building interior up to current regulations and codes, making it more accessible, and define separation of users and service providers at 483 DEDHAM STREET, Ward 8, on land known as Sec 83 and 84, Blocks 34, 35, 36, Lots 1 and 4, containing approximately 6,466,022 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)a, 30-21(b), 30-8(b)(5) of the City of Newton Rev Zoning Ord, 2012 and special permit nos.136-10, 261-96, 48-87, 36-74, and #108006.

HEARING CLOSED

- #237-13 **SEVENTY FIVE to SEVENTY SEVEN AUBURN ST. TRUST** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to reconfigure an existing two-family dwelling into three units with a 2-car garage and to construct two additional attached dwelling units with 2-car garages at the rear for a total of five units at 75-77 AUBURN STREET, Ward 3, Auburndale, on land known as SBL 33, 6, 42, containing approximately 31,437 square feet of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15 Table 1, 30-9(b)(5), (b)(5)(a) and (b)(5)b), of the City of Newton Rev Zoning Ord, 2012.

HEARING CONTINUED TO SEPTEMBER 10, 2013

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF THE FINANCE COMMITTEE TO REPORT THE VOTE WITHOUT A WRITTEN REPORT WAS APPROVED BY VOICE VOTE.

- #287-13 **HIS HONOR THE MAYOR** requesting authorization to transfer the sum of fifty thousand dollars (\$50,000) from the Fiscal Year 2014 Budget Contingency Account to Inspectional Services Full-time Salaries Account and to increase the Inspectional Services Department's full-time employee level by one position. [08/05/13 @ 1:59 PM]

FINANCE APPROVED AS AMENDED 7-0

Clerk's Note: At the request of Chief Financial Officer Maureen Lemieux, this item was amended in committee to have \$6,000 transferred to the Inspectional Services Temporary Staffing Account and \$44,000 transferred to the Inspectional Services Full-time Salaries Account. The funds will be used to pay for temporary staffing and to hire a Full-time Inspector

to cover inspections while a current Inspectional Services employee is on long-term medical leave.

A MOTION TO SUSPEND THE RULES TO ACCEPT AND REFER THE FOLLOWING LATE FILED ITEM WAS APPROVED BY VOICE VOTE.

REFERRED TO FINANCE COMMITTEE

#304-13 HIS HONOR THE MAYOR requesting approval of a settlement of workers' compensation claims against the City of Newton in the amount of twenty-five thousand (\$25,000) relevant to injuries sustained by an employee in 2006 and 2007. [09/03/13 @ 4:56 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.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 2 ABSENT (Ald. Baker & Fischman), 1 RECUSED (Ald. Sangiolo), 1 VACANCY TO TAKE THE FOLLOWING ACTIONS:

#272-12(8) AGREEMENT TO AN EXTENSION OF TIME in which to ACT on petitions #272-12 and #272-12(3) BH NORMANDY OWNER, LLC requests for a SPECIAL PERMIT/SITE PLAN APPROVAL for several improvements to be completed over two phases at Hotel Indigo at 399 GROVE STREET, Ward 4; said EXTENSION will run from SEPTEMBER 24, 2013 to OCTOBER 31, 2013.
LAND USE APPROVED 6-0

#258-12(7) AGREEMENT TO AN EXTENSION OF TIME in which to ACT on petition #258-12(2) BH NORMANDY RIVERSIDE, LLC MASSACHUSETTS BAY TRANSPORTATION AUTHORITY request for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit oriented development 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; said EXTENSION will run from SEPTEMBER 24, 2013 to OCTOBER 31, 2013.
LAND USE APPROVED 6-0

THE FOLLOWING PUBLIC HEARINGS WERE ASSIGNED.

Public hearing assigned for September 11, 2013:

#303-13 NSTAR ELECTRIC COMPANY petitioning for a grant of location to relocate Pole #466/5 a distance of 8 1/2' on the northwesterly side of SALISBURY ROAD 296 ± northeast of Cabot Street. (Ward 2) [08/12/13 @4:40 PM]

Public Hearing assigned for October 15, 2013:

#291-13 NEWTON RESTAURANT, LLC./PINKY'S PLACE, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING USE to increase an existing nonconforming restaurant containing 74 seats to 116 seats; utilize an adjacent parcel to meet a portion of the required parking (11 stalls), and to waive the requirement for an additional 5 parking stalls at 1205 CHESTNUT STREET, Ward 5, Newton Upper Falls, on land known as SBA 51, 45, 11, containing approximately 12,012 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)a, 30-19(f)(2), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for October 15, 2013:

#292-13 STEVEN PETITPAS/RAN HOITASH petition for a SPECIAL PERMIT/SITE PLAN APPROVAL dormer wider than 50% of the exterior wall of the floor below at the rear of an existing single-family dwelling at 324 TREMONT STREET, Ward 1, Newton Corner, on land known as SBL 72, 11, 3, containing approximately 5,505 sf of land in a district zoned MULTI RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15(t) and (t)(1) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing re-assigned for October 15, 2013:

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.

#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.