

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, December 2, 2013

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

Absent: Ald. Fischman & Sangiolo

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

REFERRED TO ZONING & PLANNING COMMITTEE

#309-13(4) DEPT. HEADS HAVENS AND ZALEZNIK requesting amendments to the City of Newton Zoning Ordinance, Chapter 30, to create new zoning regulations allowing the use of land, structures and buildings for registered marijuana dispensaries in certain business and mixed use zoning districts within the City by special permit, and to establish minimum standards and criteria for the granting of such special permits.

ZONING & PLANNING APPROVED 6-0

APPROVED 21 YEAS, 1 NAY (Ald. Gentile), 2 ABSENT (Ald. Fischman & Sangiolo)

Clerk's Note: The Chair of the Zoning & Planning Committee provided information regarding this docket item. She wanted to make sure that Board members had the information necessary to make a decision and noted that the moratorium that the Board had already approved will end at the end of this year. The State has put in place a number of regulations that guided the committee. Dispensaries must have trained medical staff, be a non-profit organization, and put up \$500,000. There is an application fee of \$35,000 and a number of other restrictions. The dispensaries must conform to local requirements and cannot be within 500' of a facility where children congregate.

The Zoning & Planning Committee spent several months discussing the docket items around marijuana dispensaries, held two public hearings, and in the end approved the moratorium which the board voted on last month and the zoning changes which are before the Board tonight. The Chair noted the ordinance requires a special permit be obtained to open, and the businesses will be restricted to Business 2, Business 5 and Mixed Use 1 Areas which are areas that are not in village centers. The Committee also added to the restrictions that the dispensary cannot be within 500 feet of a House of Worship and that it must provide the names of the staff and management to the Police Department. The special permit application will also require a context map that shows the uses of properties within 1000' of the proposed dispensary.

Concern was raised that if the City allows for the sale of marijuana, marijuana will end up in the hands of those that do not need it for medical reasons, including the youth of the community. There was also concern that former elected state officials are getting into the business of helping dispensaries to get established. Initial funding is coming from out of state money and it seems to be a lucrative venture for the lobbyists who are looking down the road to the potential for Massachusetts legalizing marijuana for recreational use.

Those in favor noted that the residents of Newton voted to allow the prescription of medical marijuana. Several Aldermen argued that without this ordinance in place, the City would not have the necessary control in locating the dispensaries. It was also noted that there is another docket item that will allow the board to look at even more restrictive controls and that there are far more dangerous drugs allowed in local pharmacies and liquor stores, which do not have buffer zones, then will be dispensed at medical marijuana facilities. These facilities will provide pain relief for those with debilitating diseases and the benefits outweigh the risks.

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

#130-13 ALD. JOHNSON & LAPPIN requesting a change to the Board Rules, Article I, Section 3. Referral of business to Committees, paragraph D., to increase the majority vote to a greater than majority vote. [03/18/13 @ 9:39 PM]

PROGRAMS & SERVICES APPROVED AS AMENDED TO 16 VOTES 5-1-1 (Baker opposed; Leary abstaining; Ald. Fischman not voting)

FAILS TO CARRY 8 YEAS (Ald. Hess-Mahan, Johnson, Kalis, lappin, Linksy, Rice, Swiston & Lennon, 14 NAYS (Ald. Albirght, Baker, Blazar, Ciccone, Crossley, Danberg, Fuller, Gentile, Harney, Laredo, Leary, Salvucci, Schwartz and Yates) 2 ABSENT (Ald. Fischman and Sangiolo)

Clerk's Note: It was noted that it was highly unusual for the Board to have any vote other than a majority vote for its business except where statutes require otherwise. The City Charter only requires for a majority vote. The statutes that cover two-thirds votes are for zoning and special permits statutes, and for bond authorization. If this rule change were to be implemented, the Board might find itself in the curious situation of having a majority of the Board in favor of bringing an item back for discussion, but a minority of the Board prevents it.

It was noted that by only having a simple majority, items that have been disposed of by the Board on a close vote could continually be brought back for discussion, even though the Board had vetted them and voted them. The Board needs to protect the votes it has taken and have some finality to them. This change does not affect the reconsideration process which still only requires a majority vote.

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 2 ABSENT
(Ald. Fischman & Sangiolo) TO TAKE THE FOLLOWING ACTIONS:**

REFERRED TO LAND USE COMMITTEE

Tuesday, November 19, 2013

Class 1

#361-13 CLARK & WHITE, INC. d/b/a BAYSTATE CHRYSLER JEEP DODGE RAM
777 Washington Street
Newtonville 02460
LAND USE APPROVED 8-0

#362-13 CLAY NISSAN OF NEWTON, INC.
431 Washington Street
Newton Corner 02458
LAND USE APPROVED 8-0

#363-13 VILLAGE MOTORS GROUP, INC.
d/b/a HONDA VILLAGE
371 Washington Street
Newton Corner 02458
LAND USE APPROVED 8-0

Class 2

#364-13 AUBURNDALE SERVICE CENTER, LLC d/b/a AUBURNDALE MOBIL
2105 Commonwealth Avenue
Auburndale 02466
LAND USE APPROVED 8-0

#365-13 AUTO EUROPA, INC.
38 Ramsdell Street
Newton Highlands 02461
LAND USE APPROVED 8-0

#366-13 NAJIM & YOUSUF AZADZOI d/b/a AZAD MOTORS GALLERIA
280 California Street
Newton 02458
LAND USE APPROVED 8-0

#369-13 GLOBAL VENTURES GROUP INC.
d/b/a LUX AUTO PLUS
1197-1201 Washington Street
West Newton 02465
LAND USE APPROVED 8-0

- #370-13 MAVERICK MOTORS, INC.
1209 Washington Street,
West Newton 02465
LAND USE APPROVED 8-0
- #373-13 NOAH LOREN d/b/a LIFT THROTTLE AUTOMOTIVE
26 Shepherd Park
Waban 02468
LAND USE APPROVED 8-0
- #374-13 MAP DEVELOPMENT & INVESTMENTS d/b/a CHRISTIAN TAPIA/MASTER
USED CARS of WATERTOWN
175 North Street
Newtonville 02460
LAND USE APPROVED 8-0
- #375-13 NEW ENGLAND MOTOR MART, INC.
1221-1229 Washington Street
West Newton 02465
LAND USE APPROVED 8-0
- #376-13 NEWTON AUTO GROUP, INC.
1235 Washington Street
West Newton 02465
LAND USE APPROVED 8-0
- #379-13 NEWTON COLLISION INC. d/b/a GM AUTO BODY
64 Crafts Street
Newton 02458
LAND USE APPROVED 8-0
- #380-13 NTC-NEWTON TRADE CENTER
103 Adams Street
Nonantum 02458
LAND USE APPROVED 8-0
- #381-13 OLD TIME GARAGE LTD.
1960 Washington Street
Newton Lower Falls 02462
LAND USE APPROVED 8-0
- #384-13 REGANS INC.
2066 Commonwealth Avenue
Auburndale 02466
LAND USE APPROVED 8-0

- #385-13 ROBERT'S TOWING, INC.
926r Boylston Street
Newton Highlands 02461
LAND USE APPROVED 8-0
- #388-13 STAN'S AUTOMOTIVE INC.
249 Centre Street
Newton Corner 02458
LAND USE APPROVED 8-0
- #390-13 CITY OF NEWTON
1000 Commonwealth Avenue 02459
LAND USE APPROVED 8-0
- #188-12 ALD. HESS-MAHAN requesting a discussion regarding the types of information that should be required from petitioners applying for a special permit to exceed FAR under Sec. 30-15(u)(2) in order to meet their burden of proof to show that the "proposed structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood."
LAND USE REFERRED TO 2014-2015 BOARD OF ALDERMEN 8-0
- #290-13 ALD. LAREDO, ALBRIGHT, HARNEY & CROSSLEY requesting a review of the process whereby conditions contained in special permits are tracked and monitored for compliance and a discussion of how that process can be improved.
LAND USE REFERRED TO 2014-2015 BOARD OF ALDERMEN 8-0

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, November 25, 2013

- #65-13 ALD. YATES, FISCHMAN, KALIS requesting that Chapter 30 be amended to require a special permit for major topographic changes. [02/12/13 @ 12:30 PM]
ZONING & PLANNING REFERRED TO 2014-2015 BOARD OF ALDERMEN 5-1-0 (Johnson opposed)

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, November 20, 2013

Appointment by His Honor the Mayor

- #409-13 JAN HUFFMAN, 27 Indiana Terrace, Newton, appointed as a member of THE NEWTON ELECTION COMMISSION for a term to expire March 31, 2017. (60 days 1/30/14) [11/12/13 @ 9:28 AM]
PROGRAMS & SERVICES APPROVED 6-0 (Blazar and Fischman not voting)

- #200-13 ALD. JOHNSON requesting a discussion with the Parks & Recreation Department and the Department of Public Works to establish a process for managing the placement and removal of City, for-profit, and non-profit signs advertising events. [05/28/13 @ 9:26 AM]
PROGRAMS & SERVICES REFERRED TO 2014-2015 BOARD OF ALDERMEN 8-0
- #398-13 ALD. BAKER & DANBERG requesting a discussion of a possible ordinance, regulations or otherwise, to complement zoning regulation of any licensed Registered Marijuana Dispensaries to respond to any secondary impacts so as to make the operation of such dispensaries as successful as possible. [10/28/13 @ 10:00 AM]
PROGRAMS & SERVICES REFERRED TO 2014-2015 BOARD OF ALDERMEN 8-0
- #399-13 ALD. LINSKY, HESS-MAHAN, ALBRIGHT, CROSSLEY, DANBERG, BLAZAR, LAREDO & SCHWARTZ requesting to re-charge a task force to devise recommendations as to best practices and/or potential regulatory approaches to achieve improvements regarding the use of leaf blowers in the City of Newton. [10/28/13 @ 7:01 PM]
PROGRAMS & SERVICES REFERRED TO 2014-2015 BOARD OF ALDERMEN 8-0
- REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**
- #403-13 HIS HONOR THE MAYOR submitting the FY15-FY19 Capital Improvement Plan and Long Range Projection pursuant to section 5-3 of the Newton City Charter. [10/21/13 @ 9:59 AM]
PROGRAMS & SERVICES REFERRED TO 2014-2015 BOARD OF ALDERMEN 8-0
- #199-13 ALD. JOHNSON & SANGIOLO requesting an update from the School Committee and School Department regarding the request from the Board of Aldermen to reduce the family cap on activity fees. [05/20/13 @ 11:05 PM]
PROGRAMS & SERVICES REFERRED TO 2014-2015 BOARD OF ALDERMEN 8-0
- #95-13(2) THE PROGRAMS & SERVICES COMMITTEE requesting an update from the Health Care Advisory Committee. [09/12/13 @ 9:49AM]
PROGRAMS & SERVICES REFERRED TO 2014-2015 BOARD OF ALDERMEN 8-0

#34-13 ALD. DANBERG, ALBRIGHT, BLAZAR, RICE, LINSKY & 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]

PROGRAMS & SERVICES REFERRED TO 2014-2015 BOARD OF ALDERMEN 8-0

#334-12 ALD. SWISTON & LINSKY requesting a discussion with the Licensing Board regarding the licensing and permit requirements for non-profit organizations. [10/10/12 @ 3:52 PM]

PROGRAMS & SERVICES REFERRED TO 2014-2015 BOARD OF ALDERMEN 8-0

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.

**PUBLIC FACILITIES NAN 6-0 on 11-20-13
REFERRED TO 2014-2015 BOARD OF ALDERMEN 8-0**

#229-12 RECODIFICATION COMMITTEE recommending a review and possible amendment to the *Board of Aldermen Rules & Orders 2012-2013* relative to review of draft ordinances by the Law Department.

PROGRAMS & SERVICES REFERRED TO 2014-2015 BOARD OF ALDERMEN 8-0

#145-12 ALD JOHNSON requesting a review by the Solicitor's office as to what constitutes "reorganization" per our City Charter. [05/16/12 @ 10:24PM]

PROGRAMS & SERVICES REFERRED TO 2014-2015 BOARD OF ALDERMEN 8-0

#144-12 ALD. HESS-MAHAN proposing to repeal the time restrictions for filing special permit applications/site plan reviews for Major Projects during July and August in Article X Section 5 of the Rules and Orders of the Board of Aldermen.

PROGRAMS & SERVICES REFERRED TO 2014-2015 BOARD OF ALDERMEN 8-0

REFERRED TO PROG & SERV, PUB. FACIL. AND FINANCE COMMITTEES

#312-10 ALD. LENNON, LAPPIN, SCHNIPPER, SANGIOLO requesting a discussion with the School Committee on its plans to address space needs in the Newton public schools. [10/27/10 @ 11:07 AM]

**FINANCE NAN on 10-12-11
PUBLIC FACILITIES NAN 6-0 11-16-11
REFERRED TO 2014-2015 BOARD OF ALDERMEN 8-0**

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, November 20, 2013

#138-11 ALD. CROSSLEY AND SCHNIPPER requesting a report from the Department of Public Works regarding the energy use and maintenance costs for the City's streetlights and gaslights and costs/payback associated with recommended energy efficiency measures. [04-21-11 9:08 AM]

PUBLIC FACILITIES NO ACTION NECESSARY 6-0

#223-10 ALD. YATES & ALBRIGHT requesting updates on the status of the reconstruction of the Needham/Newton Street corridor, which include details on the reconstruction funding, plans for the revitalization of the area, and plans for the implementation of transportation improvements. [07/15/10 @ 1:02 PM]

PUBLIC FACILITIES NO ACTION NECESSARY 6-0

#202-13 ALD. JOHNSON requesting an update from the Department of Public Works on the education and marketing campaign of recycling in the City of Newton.

PUBLIC FACILITIES NO ACTION NECESSARY 6-0

#11-13 ALD. YATES requesting that His Honor the Mayor apply to the United States Environmental Protection Agency for designation as a Green Power Partner in addition to its designation by the Massachusetts Office of Energy Resource as a Green Power Community. [12/14/12 @ 3:03 PM]

PUBLIC FACILITIES NO ACTION NECESSARY 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]

PROG & SERV REFERRED TO 2014-2015 BOARD OF ALDERMEN ON 11/20/13

NO ACTION NECESSARY 6-0

#50-12 ROBERT CICCETTI, 44 Oak Street, petitioning for a common sewer to be constructed in OAKDALE ROAD from a sewer manhole in WALNUT HILL ROAD 125' ± easterly through a proposed 20' wide easement in OAKDALE ROAD to a proposed sewer manhole to provide service to a new building on Oakdale Road. [02/13/12 @ 3:57 PM]

PETITIONER TO PAY ENTIRE COST

PUBLIC FACILITIES NO ACTION NECESSARY 6-0

#99-12 ALD. LAREDO, ALBRIGHT, CROSSLEY & KALIS requesting a discussion with His Honor the Mayor regarding the creation of a long-range master plan (20-25 years) regarding the means, methods, timing, and coordination to address the City's complete infrastructure needs, including but not limited to school buildings, fire stations, other municipal buildings, streets, sidewalks, trees,

playgrounds and other recreational facilities, water, stormwater, and sewer systems, and all other facilities and infrastructure identified in the city's recent capital assessment. The master plan should be comprised of specific plans from individual departments and at a minimum, the master plan should (a) identify those infrastructure needs and (b) present a phased plan, with identifiable funding sources for meeting those needs. [04-04-12 @ 10:30 PM]

PUBLIC FACILITIES NO ACTION NECESSARY 6-0

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

#245-10 ALD. SCHNIPPER AND SANGIOLO requesting discussion with National Grid regarding the possible damage to trees as a result of gas leaks. [09/01/10 4:00 PM]

PROG & SERV VOTED NO ACTION NECESSARY 7-0 on 09/11/13

PUBLIC FACILITIES NO ACTION NECESSARY 6-0

#367-09 PUBLIC FACILITIES COMMITTEE requesting discussion with the Law Department on how to resolve the dispute with NStar regarding whose responsibility it is to repair the streetlight connection between the manhole and the base of the streetlight. [10/21/09 @ 9:00 PM]

PUBLIC FACILITIES REFERRED TO 2014-2015 BOARD OF ALDERMEN 6-0

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#403-13 HIS HONOR THE MAYOR submitting the FY15-FY19 Capital Improvement Plan and Long Range Projection pursuant to section 5-3 of the Newton City Charter. [10/21/13 @ 9:59 AM]

FINANCE REFERRED TO 2014-2015 BOARD OF ALDERMEN 7-0

PUBLIC FACILITIES REFERRED TO 2014-2015 BOARD OF ALDERMEN 6-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#288-13 PUBLIC FACILITIES & FINANCE COMMITTEES requesting that the Administration update the Board of Aldermen when a funding source is determined for the Zervas Elementary School Feasibility Study. [07-11-13 @ 10:10 AM]

FINANCE REFERRED TO 2014-2015 BOARD OF ALDERMEN 7-0

PUBLIC FACILITIES REFERRED TO 2014-2015 BOARD OF ALDERMEN 6-0

#301-12(2) PUBLIC FACILITIES COMMITTEE requesting updates on the progress of the Carr School Renovation Project.

PUBLIC FACILITIES REFERRED TO 2014-2015 BOARD OF ALDERMEN 6-0

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#257-12 RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates.

FINANCE REFERRED TO 2014-2015 BOARD OF ALDERMEN 7-0
PUBLIC FACILITIES REFERRED TO 2014-2015 BOARD OF ALDERMEN 6-0

#246-12 RECODIFICATION COMMITTEE recommending Sec. 25-1, which requires a permit to create a trench, be reviewed to determine if a new section relative to excavation should be established to regulate unsafe excavation beyond the regulation of trenches, as the City Engineer has advised that all trenches are excavations, but not all excavations are trenches, which amendment would replace **Sec. 20-53. Excavations; protection; erection of barriers.**, which was deleted as part of recodification because it conflicted with Sec. 25-1.

PUBLIC FACILITIES REFERRED TO 2014-2015 BOARD OF ALDERMEN 6-0

#245-12 RECODIFICATION COMMITTEE recommending that Chapter 11, RECYCLING AND TRASH as most recently amended by Ordinance Z-68 and Z-87, dated 6/21/10 and 5/16/11, respectively, be reviewed and be amended as necessary.

PUBLIC FACILITIES REFERRED TO 2014-2015 BOARD OF ALDERMEN 6-0

A 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 AND FINANCE COMMITTEES

#422-13 ALD. JOHNSON AND DANBERG requesting an amendment to Section 19-9 of the City of Newton Ordinances to raise the overnight parking fine from \$5 to \$25 effective February 1, 2014. [12/02/13 @ 11:06 AM]

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

#411-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of seventeen thousand five dollars and twenty-six cents (\$17,005.26) from Budget Reserve to the Law Department's Judgments and Settlements Account to be used

as full and final settlement of DIA Claim #03819411 to compensate a city employee for loss of function and disfigurement. [11/12/13 @ 3:27 PM]

FINANCE APPROVED 6-0-1 ABSTENTION (Ald. Linsky)

#140-11 ALD. HESS-MAHAN requesting acceptance of MGL Chapter 59 §5c which allows communities to shift the tax burden away from homeowners who live in lower than average valued single and multi-family homes to owners of higher valued homes, second homes, and most apartment buildings. [04-15-11 @ 3:07 PM]

FINANCE NO ACTION NECESSARY 7-0

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF THE REAL PROPERTY REUSE COMMITTEE TO REPORT ON THE FOLLOWING ITEMS WITHOUT A WRITTEN REPORT WAS APPROVED BY VOICE VOTE

#287-11(4) JOINT ADVISORY PLANNING GROUP and PLANNING & DEVELOPMENT DEPARTMENT filing their separate reports pursuant to Ordinance Sec. 2-7(2)b) identifying alternatives for the future use of the former Newton Centre Library/Health Department building at 1294 Centre Street, Newton Centre, which was declared surplus by the Board of Aldermen on March 6, 2012.

REFERRED TO THE 2014-2015 BOARD OF ALDERMEN 6-0

#384-11(4) JOINT ADVISORY PLANNING GROUP and PLANNING & DEVELOPMENT DEPARTMENT filing their separate reports pursuant to Ordinance Sec. 2-7(2)b) identifying alternatives for the future use of the former Parks & Recreation site at 70 Crescent Street, Auburndale, which was declared surplus by the Board of Aldermen on February 6, 2012.

REFERRED TO THE 2014-2015 BOARD OF ALDERMEN 6-0

THE FOLLOWING PUBLIC HEARINGS WERE ASSIGNED AND REFERRED TO THE 2014-2015 BOARD OF ALDERMEN:

Public Hearing assigned for January 14, 2014:

#330-13(2) DONNY & RAQUEL SANTANGELO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to connect an existing two-family dwelling to an existing detached garage with living space above, which will increase the Floor Area Ratio from .47 to .61 where .48 is the maximum allowed by right, at 3-5 MILTON AVENUE, Ward 4, West Newton, on land known as SBL 44, 14, 70, 71, containing approximately 6,962 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15 Table A and 30-15(u) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for January 14, 2014:

#412-13 LOUIS FRANCHI, TRUSTEE petition for SPECIAL PERMIT/SITE PLAN APPROVAL for waivers from the parking stall requirement for up to 15 parking stalls including stall dimensions, maneuvering aisle widths, end-stall maneuvering

space, minimum entrance and exit driveway widths; tandem parking; perimeter and interior landscaping requirements; lighting, curbing, surfacing, and maintenance requirements; and, parking within the setbacks for an existing commercial/warehouse/storage building at 425-433 WATERTOWN STREET, Ward 1, on land known as SBL 14, 8, 6, containing approximately 18,470 sf of land in a district zoned BUSINESS 2.

Public Hearing assigned for January 13, 2014:

- #404-13 NATASHA STALLER et al. requesting a revision to the zoning District boundary Lines so as to transfer from Multi-Residence 1 District to a Single Residence 3 District the following properties:
Assessors' parcels SBL nos. 61-037-0004 through 61-037-0013; 61-042-0007 through 61-042-0023; 65-019-0001; 65-019-0007 through 65-019-0012; 65-019-0014 through 65-019-0022; 65-019-0009A; 65-019-0017B and 65-019-0022A. Also requesting transfer from a Single Residence 2 District to a Single Residence 3 District SBL no. 65-019-0015A. [11/01/13 @ 12:57 PM]

Public hearing assigned for January 8, 2013:

- #415-13 VERIZON NEW ENGLAND, INC. petitioning for a grant of location to install 67' ± of conduit in a northerly direction in Walnut Street from an existing manhole to 246 Walnut Street. (Ward 2) [11/19/13 @ 12:33 PM]

Public hearing assigned for January 8, 2013:

- #416-13 NSTAR ELECTRIC petitioning for grants of location as follows:

WISWALL ROAD install 57' ± of conduit in an easterly direction from Pole #232/20# to Kerr Path.

KERR PATH install 495' ± of conduit in a southeasterly direction to Osborne Path.

OSBORNE PATH install 310' ± of conduit in a northeasterly direction from #65 Osborne Path to #49 Osborne Path. (Ward 8) [11/22/13 @ 11:24 AM]

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 1 NAY (Ald. Hess-Mahan), 2 ABSENT (Ald. Fischman & Sangiolo) TO TAKE THE FOLLOWING ACTIONS

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

REFERRED TO FINANCE AND PROGRAMS AND SERVICES COMMITTEES

- #245-06 ALD. JOHNSON AND HESS-MAHAN requesting an amendment to the City Charter to require the Mayor annually to prepare and submit to the Board of Aldermen a long-term financial forecast of anticipated revenue, expenditures and

the general financial condition of the City, including, but not limited to identification of any factors which will affect the financial condition of the City; projected revenue and expenditure trends; potential sources of new or expanded revenues; anticipated municipal needs likely to require major expenditures; and a strategic plan for meeting anticipated municipal needs, to include, but not be limited to, any long or short-term actions that may be taken to enhance the financial condition of the City.

PROG & SERV VOTED NO ACTION NECESSARY 7-0 on 05/22/13
FINANCE NO ACTION NECESSARY 7-0

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

The public hearing on the following item was opened on November 12 and continued to this evening:

#330-13 DONNY & RAQUEL SANTANGELO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to connect an existing two-family dwelling to an existing detached garage with living space above, which will increase the Floor Area Ratio from .47 to .56, where .48 is the maximum allowed by right, at 3-5 MILTON AVENUE, Ward 4, West Newton, on land known as SBL 44, 14, 70, 71, containing approximately 6,962 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15 Table A and 30-15(u) of the City of Newton Rev Zoning Ord, 2012.

REQUEST FOR WITHDRAWAL WITHOUT PREDUDICE APPROVED 6-0 (Laredo and Schwartz not voting)

#308-13 CHAUNCY S. PERRY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to legalize an existing three-family residence at 432 NEWTONVILLE AVENUE, Ward 2, NEWTONVILLE, on land known as SBL 22, 5, 24, containing approximately 16,632 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(c)(1), 30-19(h)(4)a), (i), (j), and (m) of the City of Newton Rev Zoning Ord, 2012 and special permit #609-89.

APPROVED 7-0 (Leary excused)

#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. **(90 Days December 9)**

APPROVED 1-0-5 (Hess-Mahan, Fischman, Crossley, Harney, Laredo abstaining; Leary excused)

A MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF LAND USE TO POLL HIS COMMITTEE TO ACCEPT A LETTER FOR WITHDRAWAL WITHOUT PREJUDICE WAS APPROVED BY VOICE VOTE

LAND USE APPROVED WITHDRAWAL WITHOUT PREJUDICE 6-0 (Ald. Fischman absent, Ald. Leary recused).

#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~~ **four**-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, 30-9(b)(5) ~~30-15 Table 1, 30-9(b)(5), (b)(5)(a) and (b)(5)b~~, of the City of Newton Rev Zoning Ord, 2012. **(90 Days December 9)**

APPROVED AS AMENDED 7-0 (Leary excused)

#260-13 COREPOWER YOGA/TAURUS ONE NEWTON PLACE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL for a parking waiver for ~~17-12~~ 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 71, 5, 1, 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.

APPROVED AS AMENDED 7-0 (Leary excused)

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 2 ABSENT (Ald. Fischman & Sangiolo), 2 RECUSED (Ald. Leary & Swiston) TO TAKE THE FOLLOWING ACTION:

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. The public hearing was opened on October 15, continued to November 12, and continued to this evening.

#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.

HEARING CLOSED; APPROVED 6-0 (Albright not voting; Leary excused)