

**IN BOARD OF ALDERMEN**

**BOARD ACTIONS**

Monday, August 13, 2012

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

Absent: Ald. Kalis, Salvucci and Sangiolo,

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

**REFERRED TO LAND USE COMMITTEE**

#135-12 DINO ROSSI/MARY VISCO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE along the frontage, but not closer to the lot line, and increase the Floor Area Ratio from .31 to .57, where .48 is allowed by-right, to enlarge a two family dwelling at 258 NEVADA STREET, Ward 1, on land known as SBL 14, 8, 16, containing approximately 11,122 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u) of the City of Newton Rev Zoning Ord, 2007. **(90 days 09/24/12)**

**LAND USE APPROVED 4-1 (Crossley)**

**MOTION TO POSTPONE TO DATE CERTAIN OF SEPTEMBER 4, 2012 WAS APPROVED BY VOICE VOTE**

**Clerk's Note:** A variety of concerns were raised regarding the size of the project. Many feel that it is admirable to save the original, historic structure, but felt that the additions created too much mass for the lot, the FAR relief for this project would be too great and there were too many curb cuts for the project. Since there were still many concerns, the Board voted to postpone the item until their meeting on September 4, 2012.

#92-12 GOLDEN DEVELOPMENT CORP./JEAN E. GREER REVOCABLE TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a rear lot subdivision and to increase the Floor Area Ratio requirement from the maximum of .24 to .36 to construct two single-family dwellings at 112-116 DEDHAM STREET, Ward 5, Newton Highlands, on land known as SBL 83, 5, 17, containing approximately 38,075 sq. ft. of land in a district zoned Single Residence 3. Ref: Sec. 30-24, 30-23, 30-15(r), of the City of Newton Rev Zoning Ord, 2007. **(90 days September 05, 2012)**

**LAND USE APPROVED 5-0-1 (Albright, Crossley abstaining)**

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

**LAND USE APPROVED WITH CLARIFIED ENGINEERED SITE PLAN  
7-1 (Ald. Schwartz)**

**APPROVED 18 YEAS, 3 NAYS (Ald. Baker, Schwartz & Swiston), 3 ABSENT  
(Ald. Kalis, Salvucci & Sangiolo)**

**Clerk's Note:** The Chair of the Land Use Committee spoke in favor of the item, but wanted to make sure that all Board members were aware of the discrepancy between the conceptual site plan that the Planning Department had commented on and presented to the Land Use Committee and the actual Engineered Site Plan that the petitioner had submitted, but was not expressly presented and discussed in Committee. Ald. Hess-Mahan noted that the buildings on lots 1 and 4 were positioned differently than were presented in the conceptual plan. The House on Lot 1 would be closer to the setbacks on the right side of the house than seen in the conceptual plan, and the house on Lot 4 would not be angled as it was in the Conceptual Plan, but would be parallel with and along the rear setback so that the driveway would have some length to it.

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 21 YEAS, 3 ABSENT  
(Ald. Kalis, Salvucci and Sangiolo) TO TAKE THE FOLLOWING ACTIONS:**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, July 10, 2012

#139-12 **NED CHESTNUT HILL LLC/DANA J. KATZ, TRUSTEE for DK REALTY TRUST** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a freestanding sign and for a secondary principal sign for which the dimensional limits would be waived at 176 BOYLSTON STREET, Ward 7, Chestnut Hill, on land known as SBL 82, 2, 18, containing approximately 45,240 sq. ft. of land in a district zoned BUSINESS 1 and 4. Ref: Special Permit #505-98 and Sec 30-24, 30-23, 30-20(f)(1), (2), (9) and 30-20(1) of the City of Newton Rev Zoning Ord, 2007. *(The public hearing was opened and continued on July 19, 2012.)*  
**HEARING CLOSED; LAND USE APPROVED 8-0**

#162-12 **G AND B REALTY TRUST, JOHN M. O'HARA & KARL J. O'HARA, TRUSTEES** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NON-CONFORMING STRUCTURE in the front setback; to increase the number of seats from 90 to 120; and, to waive the 7 additional required parking stalls for an existing restaurant at 1181-1189 WALNUT STREET, Ward 6, Newton Highlands, on land known as SBL 52, 36, 1, in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-21(b), 30-19(c) and (d)(13) and 30-19(m), 30-11(d)(9), of the City of Newton Rev Zoning Ord, 2007 and Special permit #188-94.  
**HEARING CLOSED**

- #174-12 ELLIOT SCHILDKROUT & TERRY ROSENBERG petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a detached garage within the front setback and to allow a dormer wider than 50% of the length of the exterior wall of the story next below at 164 CHESTNUT STREET, Ward 3, West Newton, on land known as SBL 32, 45, 14, containing approximately 15,085 sq. ft. of land in a district zoned Single Residence 1. Ref: Sec 30-24, 30-23, 30-15(m)(1), 30-15 Table 1, 30-15(t) and (t)(1) of the City of Newton Rev Zoning Ord, 2007.  
**HEARING CLOSED; LAND USE WITHDRAWN WITHOUT PREJUDICE 8-0**
- #175-12 KF REALTY ASSOCIATES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a CHANGE IN NONCONFORMING USE to locate a 92-seat restaurant in a portion of an existing legally nonconforming retail storefront at 148 CALIFORNIA STREET, Ward 1, NONANTUM and 171 WATERTOWN STREET, Watertown, on land known as SBL 11, 12, 11, containing a total of approximately 523,642 sq. ft. of land in a district zoned Manufacturing. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.  
**HEARING CLOSED**
- #176-12 WALGREEN'S REAL ESTATE/WABAN-1332 LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 3,736 sq. ft. addition onto an existing building, to install new signage and façade, to modify the existing parking lot at 1099-1101 BEACON STREET, 871 and 875 WALNUT STREET Ward 6, on land known as Sec. 64, Blk. 3, Lots 10, 11 and 12, containing approximately 43,922 sq. ft. of land in a district zoned Business 2. Ref: Sec 30-24, 30-23, 30-20(f)(1) and (2), 30-20(1), 30-11(j)(3), 30-19(j)(2) and (3) of the City of Newton Rev Zoning Ord, 2007.  
**HEARING CLOSED**
- #177-12 COPLEY MANAGEMENT & DEVELOPMENT CORP. for NEWTON 457 LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NONCONFORMING STRUCTURE and USE to allow the expansion of an existing nonconforming multi-family dwelling use from 24 to 25 units, including an expansion of nonconformity re lot area per unit; extension of a nonconforming structure in the side setback; increase in the nonconforming lot coverage; a decrease in the nonconforming amount of open space; to allow a parking facility partially located on a different lot than the principal use served; to waive parking stall dimensional requirements; and to waive two parking stalls at 457 CENTRE STREET, Ward 1, Newton Corner, on land known as SBL 12, 13, 12, containing approximately 9,457 sq. ft. of land in a district zoned Multi Residence 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-9(d)(1), 30-15 Table 1, 30-19(d)(2), 30-19(f)(1) and (2), 30-19(g), 30-19(m) of the City of Newton Rev Zoning Ord, 2007  
**HEARING CLOSED; LAND USE APPROVED 8-0**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, July 17, 2012

- #117-12      NAJIM AZADZOI petition for a Class 2 Automobile Dealer License at 280 California Street.  
**LAND USE APPROVED 7-0 (Merrill not voting)**
- #176-12      WALGREEN'S REAL ESTATE/WABAN-1332 LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 3,736 sq. ft. addition onto an existing building, to install new signage and façade, to modify the existing parking lot at 1099-1101 BEACON STREET, 871 and 875 WALNUT STREET Ward 6, on land known as Sec. 64, Blk. 3, Lots 10, 11 and 12, containing approximately 43,922 sq. ft. of land in a district zoned Business 2. Ref: Sec 30-24, 30-23, 30-20(f)(1) and (2), 30-20(1), 30-11(j)(3), 30-19(j)(2) and (3) of the City of Newton Rev Zoning Ord, 2007. **(90 days October 08, 2012)**  
**LAND USE APPROVED 8-0**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, July 24, 2012

- #137-12      NSTAR ELECTRIC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a retaining wall of four feet or more in height in the setback in order to replace existing transformers and add additional accessory equipment at 48 ELLIOT STREET, Ward 5, Newton Upper Falls, on land known as SBL 51, 29, 38, containing approximately 158,000 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec 30-24, 30-23, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007. **(90 days September 17, 2012)**  
**LAND USE APPROVED 6-0 (Harney not voting)**
- #162-12      G AND B REALTY TRUST, JOHN M. O'HARA & KARL J. O'HARA, TRUSTEES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NON-CONFORMING STRUCTURE in the front setback; to increase the number of seats from 90 to 120; and, to waive the 7 additional required parking stalls for an existing restaurant at 1181-1189 WALNUT STREET, Ward 6, Newton Highlands, on land known as SBL 52, 36, 1, in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-21(b), 30-19(c) and (d)(13) and 30-19(m), 30-11(d)(9), of the City of Newton Rev Zoning Ord, 2007 and Special permit #188-94. **(90 days October 02, 2012)**  
**LAND USE APPROVED 6-0 (Harney not voting)**
- #175-12      KF REALTY ASSOCIATES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a CHANGE IN NONCONFORMING USE to locate a 92-seat restaurant in a portion of an existing legally nonconforming retail storefront at 148 CALIFORNIA STREET, Ward 1, NONANTUM and 171 WATERTOWN STREET, Watertown, on land known as SBL 11, 12, 11, containing a total of approximately 523,642 sq. ft. of land in a district zoned Manufacturing. Ref: Sec

30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007. **(90 days October 08-2012)**

**LAND USE APPROVED 6-0 (Harney not voting)**

**MOTION TO SUSPEND THE RULES TO ALLOW THE CHAIR OF LAND USE TO INCLUDE THE FOLLOWING THREE ITEMS AS PART OF FIRST CALL WAS APPROVED BY VOICE VOTE**

- #92-12(2) AGREEMENT TO EXTENSION OF TIME in which to ACT on GOLDEN DEVELOPMENT CORP./JEAN E. GREER REVOCABLE TRUST petition #92-12 for a SPECIAL PERMIT/SITE PLAN APPROVAL for a rear lot subdivision and to increase the Floor Area Ratio requirement from the maximum of .24 to .36 to construct two single-family dwellings at 112-116 DEDHAM STREET, Ward 5, Newton Highlands; said EXTENSION will run from September 3 to September 5, 2012.
- #118-12(2) AGREEMENT TO EXTENSION OF TIME in which to ACT on ZORI & INBAL ROBINOVITZ petition #118-12 for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a new single-family dwelling with a Floor Area Ratio of .28 where .26 is allowed by-right at 150 COUNTRYSIDE ROAD, Ward 8; said EXTENSION will run from September 10, 2012 to October 31, 2012.
- #135-12(2) AGREEMENT TO EXTENSION OF TIME in which to ACT on DINO ROSSI/MARY VISCO petition #135-12 for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE along the frontage, but not closer to the lot line, and increase the Floor Area Ratio from .31 to .57, where .48 is allowed by-right to enlarge a two family dwelling at 258 NEVADA STREET, Ward 1; said EXTENSION will run from September 10, 2012 to September 24, 2012.

**REFERRED TO PROGRAMS & SERVICES COMMITTEE**

Wednesday, July 11, 2012

- #207-08(2) PROGRAMS & SERVICES COMMITTEE requesting discussion with the Executive Department and various City Department heads regarding use of debt exclusions to address city needs. [03-14-11 @ 10:26AM]  
**PROGRAMS & SERVICES NO ACTION NECESSARY 6-0**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #270-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Information Technology Departments.  
[07/17/08 @ 9:53 AM]  
**FINANCE VOTED NO ACTION NECESSARY ON 3/8/10**  
**PROGRAMS & SERVICES NO ACTION NECESSARY 6-0**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, July 18, 2012

- #197-12 **HIS HONOR THE MAYOR** requesting the Board of Aldermen authorize a long-term lease with the solar photovoltaic firm, Ameresco Solar Inc., to allow for the installation of solar panels on the rooftops of five (5) public schools: Newton North High School, Brown Middle School, Memorial-Spaulling Elementary School, Countryside Elementary School and Bowen Elementary School. [07/02/12 @ 5:03 PM]  
**HEARING CONTINUED AND ITEM REFERRED TO FINANCE 8-0**
- #198-12 **NATIONAL GRID** petitioning for a grant of location for a utility control box, regulator station and to install and maintain 128' ± of 12" and 8" gas main in AUSTIN STREET from the existing 8" gas main in Chestnut Street easterly to the proposed regulator station and from the proposed regulator station to the existing 8" gas main. (Ward 3) [06/19/12 @ 1:44 PM]  
**PUBLIC FACILITIES APPROVED 8-0**
- #199-12 **NATIONAL GRID** petitioning for a grant of location for a utility control box, regulator station and to install and maintain 78' ± of 8" gas main in WASHINGTON STREET at CHESTNUT STREET from the existing 24" gas main easterly to the proposed regulator station and from the proposed regulator station to the existing 10" gas main. (Ward 3) [06/19/12 @ 1:44 PM]  
**PUBLIC FACILITIES APPROVED 8-0**
- #200-12 **NATIONAL GRID** petitioning for a grant of location for a utility control box, regulator station and to install and maintain 60' ± of 16", 12", and 8" gas main in BEACON STREET at WABAN AVENUE from the existing 16" gas main easterly, to the proposed regulator station and from the proposed regulator station to the existing 12" gas main. (Ward 5) [06/19/12 @ 1:44 PM]  
**PUBLIC FACILITIES APPROVED WITH CONDITIONS 8-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #187-12 **ALD. SALVUCCI AND GENTILE** requesting discussion with the Administration regarding the contracts that the City has entered into pertaining to natural gas and electricity. [05-31-12 @ 11:02 AM]  
**FINANCE VOTED NO ACTION NECESSARY 6-0 on 08/06/12**  
**PUBLIC FACILITIES NO ACTION NECESSARY 8-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #106-12 **HIS HONOR THE MAYOR** requesting authorization to appropriate the sum of one hundred sixty thousand dollars (\$160,000) from bonded indebtedness for the purpose of purchasing a street sweeper. [04-09-12 @ 3:39]  
**FINANCE APPROVED 6-0 AS AMENDED @ 172K on 08/06/12**  
**PUBLIC FACILITIES APPROVED 8-0 AS AMENDED @ \$172,000**

**REFERRED TO FINANCE COMMITTEE**

Monday August 6, 2012

**REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES**

- #214-10(6) **HIS HONOR THE MAYOR** requesting authorization to accept the sum of one hundred ninety-six thousand dollars (\$196,000) from New England Development Chestnut Hill LLC to be held in a “Receipts Reserved for Appropriation – Fire Department Equipment” per Special Permit #214-10 for Chestnut Hill Square.  
**PUBLIC SAFETY APPROVED 5-0 (Swiston not voting) on 08/06/12**  
**FINANCE APPROVED 6-0**

Appointment by His Honor the Mayor

- #201-12 **ROBERT FANNING**, 27 Cook Street, Newton appointed as a Constable for the City of Newton for a term of office to expire July 26, 2015.  
**FINANCE APPROVED 6-0**

Re-appointment by His Honor the Mayor

- #202-12 **MICHAEL FLYNN**, 23 Thelma Road, Dorchester, re-appointed to the BOARD OF ASSESSORS for a term expiring on February 1, 2015. (60 days 09/07/12)  
**FINANCE APPROVED 6-0**

- #204-12 **HIS HONOR THE MAYOR** requesting authorization to accept, appropriate, and expend a reimbursable grant of five million dollars (\$5,000,000) for Route 9 infrastructure improvements associated with the Chestnut Hill Square Development Project contingent upon the successful execution of the grant agreement between the Executive Office of Housing and Economic Development and the City of Newton.  
**FINANCE APPROVED 4-0-2 (Fuller, Linsky abstaining)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #106-12 **HIS HONOR THE MAYOR** requesting authorization to appropriate the sum of one hundred sixty thousand dollars (\$160,000) from bonded indebtedness for the purpose of purchasing a street sweeper. [04-09-12 @ 3:39]  
**PUBLIC FACILITIES APPROVED 8-0 AS AMENDED @ 172K on 07/18/12**  
**FINANCE APPROVED 6-0 AS AMENDED @ 172K**

- #206-12 **HIS HONOR THE MAYOR** requesting authorization to appropriate the sum of four hundred ninety-three thousand seven hundred eighteen dollars and ninety-three cents (\$493,718.93) from the July 2, 2012 Declaration of Overlay Surplus as declared by the Chairman of the Board of Assessors to be used for the purpose of funding the statutory interest charges incurred by the City of Newton beginning September 8, 2009 through June 21, 2012 pursuant to the Appeals Court reversal of the Appellate Tax Board’s order for Verizon New England, Inc. to pay back taxes for Fiscal Years 2003 through 2008. [07/02/12 @ 5:03 PM]  
**FINANCE APPROVED 3-0-3 (Gentile, Linsky, Rice abstaining)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #108-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of three hundred twenty thousand dollars (\$320,000) from bonded indebtedness for the purpose of funding design and Phase I construction and administration for replacement of a portion of the roof and repair of exterior masonry at the welding shop at the Crafts Street Garage. [04-09-12 @ 3:40]  
**PUBLIC FACILITIES APPROVED 6-0 AS AMENDED @ 260K on 06/20/12**  
**FINANCE APPROVED 5-0-1 AS AMENDED @ 260K (Gentile abstaining)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #187-12 ALD. SALVUCCI AND GENTILE requesting discussion with the Administration regarding the contracts that the City has entered into pertaining to natural gas and electricity. [05-31-12 @ 11:02 AM]  
**PUBLIC FACILITIES VOTED NO ACTION NECESSARY 8-0 on 07/18/12**  
**FINANCE NO ACTION NECESSARY 6-0**
- #203-12 HIS HONOR THE MAYOR requesting that the Board of Aldermen accept the sum of eighteen thousand dollars (\$18,000) in the form of donations to be used to fund a parking study for the Cypress Street Parking Structure. [07/02/12 @ 5:03 PM]  
**FINANCE APPROVED 6-0**

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

- #287-11(3) HIS HONOR THE MAYOR appointing Molly Gasnick, 21 Newtonville Avenue, Newton, to the Joint Advisory Planning Group re the future use of the land and building currently housing the Health Department at 1294 Centre Street, Newton Centre, Ward 6.  
**REAL PROPERTY REUSE APPROVED 7-0**
- #384-11(3) PRESIDENT LENNON & HIS HONOR THE MAYOR appointing the following individuals to the Joint Advisory Planning Group re the future use of the land and building at 70 Crescent Street, which formerly housed the Parks & Recreation Department, Auburndale, Ward 3:

*Aldermanic appointee:* George Schnee, 339 Auburn Street, Auburndale

*Mayoral appointee:* Wataru Matsuyasu, 57 Evergreen Avenue, Auburndale

**REAL PROPERTY REUSE APPROVED 7-0**



**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 1 NAY**  
 (Ald. Yates), **3 ABSENT** (Ald. Kalis, Salvucci and Sangiolo) **TO TAKE THE FOLLOWING ACTIONS:**

- #298-09 ALD. MANSFIELD proposing Home Rule Legislation to amend **Article 2, Section 2-1(c) Composition; Eligibility; Election and Term** of the Newton Charter to establish four-year terms for Aldermen-at-Large with the provision for one Aldermen-at-Large to be elected from each ward at each biennial municipal election. [09-29-09 @ 6:45 PM]  
**PROGRAMS & SERVICES NO ACTION NECESSARY 6-0**

**PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:**

*Public Hearing to be assigned for September 5, 2012*

- #241-12 NATIONAL GRID petitioning for a grant of location to install and maintain 450' ± of 4" gas main in MARCELLUS ROAD from the existing 4" gas main at 40 Marcellus Road to Boulder Road for a new gas service to 36 Boulder Road. (Ward 8) [07-31-12 @3:03 PM]

*Public Hearing to be assigned for September 5, 2012*

- #242-12 COMCAST petitioning for a grant of location to install 240' ± of 3" conduit in NEWTONVILLE AVENUE from Pole #35/12 at the intersection of Bowers Street and Newtonville Avenue in a westerly direction to 458-462 Newtonville Avenue. (Ward 2) [07-31-12 @1:41 PM]

*Public Hearing to be assigned for September 5, 2012*

- #243-12 COMCAST petitioning for a grant of location to install conduit and vaults in WELLS AVENUE as follows:  
 A) 1,666'+ of conduit from 75-95 Wells Avenue to 177 Wells Avenue.  
 B) Nine 2' x 3' vaults in Wells Avenue at the following locations: 75-95 Wells Avenue, 100 Wells Avenue, 120 Wells Avenue, 125 Wells Avenue, 145 Wells Avenue, 154 Wells Avenue, 160 Wells Avenue, 177 Wells Avenue and 180 Wells Avenue. (Ward 8) 08/03/12 @ 11:30 AM]

*Public Hearing assigned for September 10, 2012:*

- #60-10(2) ALD. HESS-MAHAN proposing that Chapter 30 sections 30-15(s)(10) and 30-24 be amended to substitute a requirement for a three-dimensional computer model for the option of providing a scaled massing model for special permit applications in the Planned Multi-Use Business District (PMBD), per Section 30-15(s)(10)a), and for commercial and/or multi-family development with a gross floor area of greater than 20,000 square feet, per Section 30-24(b) in order to facilitate compliance with recent amendments to the Open Meeting Law and that Sections 30-23 and 30-24 be amended to reflect the filing procedures in Article X of the Rules & Orders of the Board of Aldermen. [08-06-12 @11:59AM]

*Public Hearing assigned for September 10, 2012:*

#150-09(7) DIRECTOR OF PLANNING & DEVELOPMENT proposing that Chapter 30 section 30-13 be amended to establish a Mixed Use 4 (MU4) District; that Section 30-15 be amended to create a new Section 30-15(w) and revised Table 1 and Table 3 providing dimensional standards for development in the MU4; Section 30-15(w) shall include specific standards and special permit criteria for height, residential density, setbacks, accessibility, street-level transparency, lobbies for low-activity uses, open space, and an incentive for including mixed-use residential dwellings; and that Sections 30-13(h) and 13(i) be renumbered and revised to include specific special permit criteria and allow shared parking and connections with adjacent lots. [08-06-12 @ 11:53AM]

*Public Hearing assigned for September 10, 2012:*

#150-09(8) DIRECTOR OF PLANNING & DEVELOPMENT proposing a certain parcel of land located at 28 Austin Street in Newtonville identified as Section 24, Block 9, Lot 15, known as the Austin Street Municipal Parking Lot be rezoned to the Mixed Use 4 (MU4) District to allow a mixed-use development. [08-06-12 @ 11:53AM]

*Public Hearing assigned for September 11, 2012:*

#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, 2012:*

#208-12 BRAE BURN COUNTRY CLUB petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL for an EXTENSION OF A NONCONFORMING USE/STRUCTURE #270-97 to expand an existing clubhouse and adjacent landscaping including an outdoor terrace; convert an outdoor temporary tent structure into a permanent pergola with an increase of 32 seats for seasonal dining, which requires a parking waiver at 326 FULLER STREET, Ward 3, on land known as SBL 53, Blk 40 Lot 13, containing approximately 5,932,256 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Special Permit #270-97 and Sec. 30-8(b)(5) and 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

*Public Hearing assigned for September 11, 2012:*

#232-07(5) HESS CORPORATION petition to AMEND Special Permit/Site Plan Approval/Extension of a Nonconforming Use #232-07, granted on December 17, 2007 for the conversion of a full service gasoline selling station to a self-service

gasoline selling station and retail convenience store, to revise an existing free standing sign at 2370 COMMONWEALTH AVENUE, Ward 4, Auburndale on land known as Sec 41, Blk 9, Lot 1A in a district zoned MULTI-RESIDENCE 2. Ref: Special Permit #232-07, Sec 30-24, 30-23, and 30-20(1) of the City of Newton Rev Zoning Ord, 2012.

*Public Hearing assigned for September 11, 2012:*

#209-12 ABBY GORDON petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE by expanding an existing nonconforming garage further into the rear setback at 56 EXETER STREET, Ward 3, West Newton, on land known as SBL 32, 29, 1, containing approximately 23,462 sq. ft. in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2012.

*Public Hearing assigned for September 11, 2012:*

#210-12 STEPHEN & LESLIE BERNSTEIN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE in order to replace an existing detached garage with a new attached garage and mudroom and to extend an existing rear deck, increasing the Floor Area Ratio from .48 to .57 at 97 HILLSIDE AVENUE, Ward 3, West Newton, on land known as SBL 32, 3, 3, containing approximately 12,551 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-21(b), 30-15(u) of the City of Newton Rev Zoning Ord, 2012.

*Public Hearing assigned for September 11, 2012:*

#211-12 ROBERT & PATRICIA WELBOURN petition for A SPECIAL PERMIT/SITE PLAN APPROVAL to construct retaining walls greater than four feet in height within the required setbacks to provide access to a basement garage to a new single-family dwelling at 24 WILDE ROAD, Ward 5, Waban, on land known as SBL 55, 19, 5, containing approximately 8,446 square feet of land in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-5(b) and (b)(4) of the City of Newton Rev Zoning Ord, 2012.

*Public Hearing assigned for September 11, 2012:*

#212-12 MICHAEL SOKOLOWSKI, TRUSTEE of 1081 WASHINGTON STREET REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXPAND a NONCONFORMING STRUCTURE to waive 7 parking stalls; locate 5 parking stalls within the side setback; to waive associated lighting, surfacing, and maintenance requirements for parking facilities of greater than 5 stalls; to waive the one required loading dock; and to extend a nonconforming structure as to yard and setback and to extend a nonconforming structure with regard to height or alternatively for a structure in excess of 24 feet in height in order to construct a new two-story building for retail use at 1081 WASHINGTON STREET, Ward 3, West Newton, on land known as SBL 31, 9, 6, containing approximately 8,736 square feet of land in a district zoned BUSINESS 1. Ref:

Sec 30-24, 30-23, 30-21(b), 30-15 Table 3, 30-19(c), (d)(1), (d)(10), (h)(1), (l), (j), and (m) of the City of Newton Rev Zoning Ord, 2012.

*Public Hearing assigned for September 11, 2012:*

#213-12 NEEDHAM STREET VILLAGE SHOPS LLC/H&J NEWTON LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND A NONCONFORMING USE/STRUCTURE to construct two single-story commercial buildings with an aggregate total gross floor area of 19,200 sq. ft.; to permit retail/service uses including restaurant uses containing up to 150 seats; to waive 20 parking stalls and certain dimensional requirements and associated fencing and lighting requirements for parking facilities greater than five stalls; to waive one required loading dock facility; and to allow a freestanding sign and the number of secondary signs and dimensionals at 49, 55, 71 NEEDHAM STREET, Ward 5, on land known as Sec 51, Blk 28, Lots 23, 22, 20, containing approximately 11,775 sq. ft., 19,625 sq. ft. and 27,475 sq. ft., respectively, for a total of 58,875 sq. ft., in a district zoned MIXED USED 1. Ref: Sec. 30-24, 30-23, 30-21(b), 30-13(b)(1), (4), (5), (h)(1), 30-19(d), (h)(3)a), (i), (l)a)(ii), (j), (k), (l), (m), 30-20(f)(1), (2), (9) and 30-20(l) of the City of Newton Rev Zoning Ord, 2012.