

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday October 15, 2012

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

Absent: Ald. Lappin

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

- #118-12 ZORI & INBAL ROBINOVITZ petition 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, on land known as SBL 83, 36, 39, containing approximately 25,000 sq. ft. of land in a district zoned Single Residence 1. Ref: Sec 30-24, 30-23, 30-15(u) of the City of Newton Rev Zoning Ord, 2007. **(10/31/12)**
LAND USE APPROVED 6-1-1 (Hess-Mahan opposed; Schwartz abstaining)
APPROVED 17 YEAS, 5 NAYS (Ald. Baker, Blazar, Hess-Mahan, Johnson and Yates), 2 ABSENT (Ald. Gentile and Lappin)

Clerk's Note: Concern was raised that this new construction exceeded the allowable FAR. It was felt by some that the home will be larger than most homes on the street and the plans were not consistent with the design and scale of the other homes.

Those in favor of the project felt that it was consistent in design and scale with other properties in the neighborhood. It was noted that the structure will be compactly situated on a large lot and does not overpower the neighborhood.

- #149-03(4) BERTUCCI'S COPRORATION/THE NOLAN BROTHERS petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #149-03 granted on June 2, 2003 to allow a restaurant use (~~420~~100 seats) in a MIXED USE 1 District and to waive the 25 parking stalls required for such use at 300 NEEDHAM STREET, Ward 8, on land known as SBL 83, 30, 11 containing 205,211 sq. ft. of land. 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; LAND USE APPROVED AS AMENDED 6-0 (Merrill not voting)
APPROVED 22 YEAS, 2 ABSENT (Ald. Gentile and Lappin)

Clerk's Note: The Aldermen who put the item on second call, had no objection after speaking with the Land Use Committee Chair and the item was voted without discussion.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 1 ABSENT (Ald. Lappin) TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

Tuesday, October 2, 2012

Present: Ald. Hess-Mahan (Chairman), Ald. Merrill, Albright, Laredo, Fischman, Crossley, Harney, and Schwartz,

The public hearing opened on September 11, 2012 was continued on the following petition:

#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 and to convert an outdoor temporary tent structure into a permanent pergola with an increase of 32 seats for seasonal dining at 326-358 FULLER STREET, Wards 4 and 5 which property includes Section, Block, and Lot nos. 53, 40, 13; 53, 29, 1; 43, 45, 27; 32, 27, 1; 43, 44, 7A; 53, 40, 12; 53, 31, 26; 53, 31, 25 containing approximately 8,417,219 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.

HEARING CLOSED; LAND USE APPROVED 8-0

#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.

LAND USE APPROVED 8-0

#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.

LAND USE APPROVED 8-0

REFERRED TO LAND USE COMMITTEE

October 9, 2012

- #259-12 **NINE RIPLEY LLC** petition for SPECIAL PERMIT/SITE PLAN APPROVAL to add an attached dwelling to an existing dwelling and to construct two additional attached dwellings for a total of 4 dwellings; waive the setback requirements; allow a driveway 5 feet from a side lot line, construct a retaining wall greater than 4 feet in height within a required setback; and, allow parking within the side setbacks at 9 RIPLEY STREET, Ward 6, Newton Centre, on land known as SBL 65, 19, 20, containing approx. 19,367 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(b)(5), (b)(5)a, b), (b)(4), 30-19(g)(1), and (m) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED
- #271-12 **DAVID AUTOR & MARIKA TATSUTANI** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct a rear addition to expand the kitchen and add a mudroom which will increase the Floor Area Ratio from .71 to .73, where .48 is allowed by right, at 54 OXFORD ROAD, Ward 6, Newton Centre, on land known as SBL 62, 4, 18, containing approx.. 7,681 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; LAND USE APPROVED 6-0 (Merrill not voting)
- #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.
HEARING CONTINUED TO A DATE TO BE DETERMINED
- #272-12 **BH NORMANDY OWNER, LLC** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for several improvements to be completed over two phases. The first phase requires a special permit to (1) amend the current site plan by adding a pool deck awning; reconfiguring the delivery and trash pick-up area at the front of the hotel; reconfiguring the existing parking areas; reflecting existing and proposed signage; and reflecting existing wireless communications equipment; (2) extend a nonconforming structure by adding a pool deck awning; (3) obtain waivers for number of parking stalls and parking facility design standards including stall width, stall depth, handicap stall depth, maneuvering space for end stalls, maneuvering space for aisles, maximum width for entrance and exit driveways, landscape screening, interior landscaping, surfacing and curbing, one foot candle lighting, number of bicycle parking spaces, and design of loading facilities; and (4) authorize existing and proposed signage at 399 GROVE STREET, Ward 4.. The second phase anticipates that a portion of the applicant's lot will be conveyed or taken to provide rear access/egress to the proposed Riverside Development. This taking or conveyance would require special permit relief to (6) authorize an FAR greater than 1.0; (7) extend the existing nonconforming lot coverage; (8)

obtain relief for the existing nonconforming building (i.e., height, number of stories and loading facility) as the building may be affected by a reduction in lot area; and (9) obtain a waiver for number of required parking stalls; all on land known as Section 42, Block 11, Lot 4 containing approximately 116,650 square feet of land in a Business 5 Zoned district. Ref: Sections 30-15, Table 3; 30-19(d)(3); 30-19(d)(13); 30-19(h); 30-19(h)(2)a); 30-19(h)(2)b); 30-19(h)(2)c); 30-19(h)(2)e); 30-19(h)(3)b); 30-19(h)(4)b); 30-19(i); 30-19(i)(1); 30-19(i)(2); 30-19(j); 30-19(j)(1)a); 30-19(j)(2)e); 30-19(k)(1); 30-19(l); 30-19(m); 30-20(f)(1); 30-20(f)(2); 30-20(f)(9); 30-20(l); 30-21(b); 30-23; 30-24; and 30-26(a)(1) of the City of Newton Revised Zoning Ordinances, 2012.

HEARING CONTINUED TO A DATE TO BE DETERMINED

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, October 3, 2012

Appointment by His Honor the Mayor

#265-12 DINA CONLIN, 46 Shornecliffe Road, Newton, appointed as a member of the LICENSING BOARD, for a term of office to expire the first Monday of June 2018 pursuant to G.L. chapter 138 Section 5.

PROGRAMS & SERVICES APPROVED 4-0

Appointment by His Honor the Mayor

#286-12 DONALD FISHMAN, 68 Littlefield Road, Newton Centre, currently an *alternate member*, appointed as a full member of the PARKS & RECREATION COMMISSION for a term to expire September 11, 2015 (60 days 12/01/12).

PROGRAMS & SERVICES APPROVED 5-0-1 (Blazar abstaining; Linsky not voting)

Appointment by His Honor the Mayor

#289-12 INDIRA DESAI, 14 Clements Road, Newton, appointed as a member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a one-year term to expire January 31, 2014 (60 days 12/01/12). [09-14-12 @3:04PM]

PROGRAMS & SERVICES APPROVED 6-0 (Linsky not voting)

Appointment by His Honor the Mayor

#290-12 PETER BUECHLER, 177 Winchester Street, Newton Highlands, appointed as a member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a one-year term to expire January 31, 2014 (60 days 12/01/12). [09-14-12 @3:04PM]

PROGRAMS & SERVICES APPROVED 6-0 (Linsky not voting)

Appointment by His Honor the Mayor

#291-12 BRENDA MULLIGAN, 109 Adena Road, West Newton, appointed as a member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a two-year term to expire January 31, 2015 (60 days 12/01/12). [09-14-12 @3:04PM]

PROGRAMS & SERVICES APPROVED 6-0 (Linsky not voting)

Appointment by His Honor the Mayor

#292-12 BETTY COHEN, 104 Manet Road, Newton Centre, appointed as a member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a two-year term to expire January 31, 2015 (60 days 12/01/12). [09-14-12 @3:04PM]
PROGRAMS & SERVICES APPROVED 6-0 (Linsky not voting)

Appointment by His Honor the Mayor

#294-12 KRISZTINA A. BUKER-DOCZY, 32 Union Street, Newton Centre, as a member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a term to expire January 31, 2016 (60 days 12/01/12). [09-14-12 @3:04PM]
PROGRAMS & SERVICES APPROVED 6-0 (Linsky not voting)

Re-appointment by His Honor the Mayor

#288-12 JULIA FELDMAN, 50 Commonwealth Park West, Newton Centre, re-appointed as a member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a term to expire January 31, 2016 (60 days 12/01/12). [09-14-12 @3:04PM]
PROGRAMS & SERVICES APPROVED 6-0 (Linsky not voting)

Re-appointment by His Honor the Mayor

#192-12 JOHN NEVILLE, 86 High Street, Newton Upper Falls, re-appointed as a member of the NEWTON COMMONWEALTH FOUNDATION for a term to expire April 1, 2015 (60 days 09/07/12). [06/20/12 @11:14 AM]
PROGRAMS & SERVICES APPROVED 6-0 (Linsky not voting)

#295-12 ALD. LINSKY AND BAKER recommending an amendment to §12-67 of the City of Newton Ordinances to provide that the Health Care Advisory Committee shall issue its report by a date certain as set by the Mayor and Board of Aldermen and thereafter by request of the Mayor and Board of Aldermen [09/24/12 @ 11:28 PM]
PROGRAMS & SERVICES APPROVED AS AMENDED 7-0

#266-12 ALD. YATES proposing that the Rules & Orders of the Board of Aldermen be amended to conform to the standard practice that only zoning map changes relating to special permit petitions shall be referred to the Land Use Committee and all zoning map changes relating to individual, specific parcels be referred to Zoning & Planning Committee. [08-17-12 @1:32 PM]
PROGRAMS & SERVICES APPROVED 7-0 SUBJECT TO 2nd CALL
MOTION TO SUSPEND THE RULES TO ALLOW THE COMMITTEE CHAIR TO POLL HER COMMITTEE WAS APPROVED BY VOICE VOTE
MOTION TO ALLOW ITEM TO BE VOTED ON FIRST CALL WAS APPROVED BY PROGRAMS & SERVICES 8-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, October 3, 2012

- #275-12 **NATIONAL GRID** petitioning for a grant of location to install and maintain 230' ± of 6" gas main in ELMWOOD STREET from the existing 3" gas main at Eldredge Street westerly to Baldwin Street and 255' ± of 6" gas main in BALDWIN STREET from the proposed 6" gas main in Elmwood Street southerly to 19 Baldwin Street. (Ward 1) [09/05/12 @ 2:38 PM]
PUBLIC FACILITIES APPROVED 7-0-1 (Albright)
- #276-12 **NATIONAL GRID** petitioning for a grant of location to install and maintain 90' ± of 6" gas main in COLUMBINE ROAD from the existing 6" gas main at 57 Columbine Road to 45 Columbine Road. (Ward 8) [09/05/12 @ 2:38 PM]
PUBLIC FACILITIES APPROVED WITH CONDITION 8-0
- #270-12 **NATIONAL GRID** petitioning for a grant of location to install and maintain 62' ± of 6" gas main in DEDHAM STREET from the existing 6" gas main at 127 Dedham Street to 135 Dedham Street. (Ward 5 & 8) [07/20/12 @ 1:46 PM]
PUBLIC FACILITIES APPROVED WITH CONDITION 8-0
- #277-12 **NATIONAL GRID** petitioning for a grant of location to install and maintain 90' ± of 4" gas main in NEAL STREET from the existing 4" gas main at Baker Place westerly to 19 Neal Street. (Ward 4) [09/05/12 @ 2:37 PM]
PUBLIC FACILITIES APPROVED WITH CONDITION 8-0
- #385-07 **ALD. SCHNIPPER AND GENTILE** updating the Public Facilities Committee on the progress of the Newton North High School Project. [11/21/07 @ 10:23 AM]
PUBLIC FACILITIES NO ACTION NECESSARY 8-0

MOTION TO SUSPEND THE RULES TO ALLOW THE FOLLOWING LATE FILED ITEM TO BE INCLUDED ON THE DOCKET AND REFERRED TO THE PUBLIC FACILITIES COMMITTEE WAS APPROVED BY VOICE VOTE

REFERRED TO PUBLIC FACILITIES COMMITTEE

- #314-12 **HIS HONOR THE MAYOR** requesting a water main be extended through a proposed easement from an existing water main in the public way portion of Boulder Road a distance of approximately 300' across the private way portion of BOULDER ROAD to an existing water main in DEDHAM STREET. [10/10/12 @ 11:11 AM]

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 23 YEAS, 1 NAY (Ald. Linsky), 1 ABSENT (Ald. Lappin) TO TAKE THE FOLLOWING ACTION:

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, October 3, 2012

- #268-12 **WARD 2 ALDERMEN**, filing an appeal from TC29-12 (A&B), which requested removal of metered parking spaces on Walnut Street across from Washington

Park and Madison Avenue (Ward 2), approved by Traffic Council on July 26, 2012. (Appeal filed 08/13/12)

A) HELD removal of Meter #266, Walnut Street across from Washington Park 6-0 (Kalis not voting)

B) APPEAL DENIED removal of Meters #253 and #254, Walnut Street across from Madison Avenue 6-0 (Kalis not voting)

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public Hearing to be assigned for November 13, 2012:

#305-12 STEPHEN GUILLETTE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE by replacing an existing rear deck with a mudroom addition and to locate two dimensionally non-compliant 9'x18' parking stalls in the front setback and closer than five feet at 29 BREWSTER Road, Ward 5, Newton Highlands, on land known as SBL 54, 10, 13, containing approx. 5,176 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 1, 30-19(g)(1) and (2) and 30-19(m) of the City of Newton Rev Zoning Ord, 2012. .

Public Hearing to be assigned for November 13, 2012:

#306-12 EVELYN P. GREENSPAN TRUST, PAUL I. FEINBERG, TRUSTEE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive the dimensional requirements, lighting, curbing, surface and maintenance requirements for an existing nonconforming 18-stall parking facility or alternatively to waive the required five additional parking stalls required for a change of use at 35-41 LINCOLN STREET, Ward 5, Newton Highlands, on land known as SBL 52, 8, 18, containing approx. 15,000 sq. ft. of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-19(c), 30-19(d), 30-19(h), 30-19(j), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing to be assigned for November 13, 2012:

#307-12 WMACH, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NONCONFORMING USE to add over a three-year period three restaurants with more than 50 seats; to waive 300 parking spaces and one loading dock; erect three additional signs all in excess of 100 sq. ft. for the restaurants facing Boylston Street and a fourth sign over the entrance of the Mall; pop out the Boylston Street façade 5,726 sq. ft. within the existing footprint; add 2,223 sq. ft. of outside restaurant patio seating; relocate the ring road in front of the mall to accommodate the pop-outs and outdoor seating; and make physical improvements to the Boylston Street façade and the Boylston Street parking lot at 199 BOYLSTON STREET, Ward 7, Chestnut Hill, on land known as SBL 65, 8, 1, containing approximately 324,691 sq. ft. of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-20(f)(2), (1), 30-19(c), 30-19(d)(10), 30-19(d)(13), 3-19(l), and 30-19(m), 30-11(d)(9), 30-11(k), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for October 17, 2012:

#312-12 COMCAST petitioning for a grant of location to install 72' ± of 3" conduit in CHAPEL STREET from Pole #78/8 proceeding 41' in a northerly direction thence turning westerly for an additional 31' to 55 Chapel Street. 09/27/12 @ 3:18 PM]

Public Hearing assigned for October 17, 2012:

#313-12 NATIONAL GRID petitioning for a grant of location to install and maintain 124' ± of 4" gas main in BOUND BROOK ROAD from the existing 4" gas main at 83 Bound Brook Road to 98 Bound Brook Road for a new gas service. (Ward 8) [10/02/12 @ 2:16 PM]

Public Hearing assigned for November 7, 2012:

#314-12 HIS HONOR THE MAYOR requesting a water main be extended through a proposed easement from an existing water main in the public way portion of Boulder Road a distance of approximately 300' across the private way portion of BOULDER ROAD to an existing water main in DEDHAM STREET. [10/10/12 @ 11:11 AM]