

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, November 5, 2012

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

Absent: Ald. Albright

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

REFERRED TO LAND USE COMMITTEE

Tuesday, October 16, 2012

- #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.
**LAND USE HEARING CONTINUED TO A DATE TO BE DETERMINED
HEARING CONTINUED TO 11/27**
- #258-12(2) **BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit oriented development including an office building of approximately 225,000 sq. ft., a residential building containing 290 apartments with 5,000 sq. ft. of retail space, a three story building containing approximately 15,000 sq. ft. of retail space and approximately 8,000 sq. ft. of community space, and related site improvements; to permit office use on the ground floor, medical office use, retail and personal establishments of more than 5,000 sq. ft., eating and drinking establishments of more than 5,000 sq. ft., retail banking and financial services, and health club establishments on the ground floor; and reduced minimum setbacks of side setback of office building, and front setback of retail/community building; parking facility design standards including stall width, stall depth, maneuvering space for end stalls, minimum width for entrance and exit driveways, tandem stalls, number of required off-street loading facilities and design standards of same, landscape screening requirements, surfacing and curbing requirements and one foot candle lighting 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. Ref: Sec 30-13(f), Table A Footnote ; 30-13(g); 30-15(v)(1); 30-15, Table 3; 30-19(d)(22); 30-19(h); 30-19(h)(2)a); 30-19(h)(2)b); 30-19(h)(2)e); 30-19(h)(4)a); 30-19(h)(5)a); 30-19(i); 30-19(i)(1)a); 30-

19(j); 30-19(j)(1)a); 30-19(j)(2)d); 30-19(l); 30-19(l)(2); 30-19(l)(3); 30-19(m); 30-23; 30-24; 30-24(i)(7) of the City of Newton Revised Zoning Ord, 2012.

LAND USE HEARING CONTINUED TO A DATE TO BE DETERMINED
HEARING CONTINUED TO 11/27

REFERRED TO LAND USE COMMITTEE

Tuesday, October 23, 2012

- #272-09(3) **HERRICK ROAD REALTY TRUST** petition for ONE-YEAR EXTENSION of TIME, from December 21, 2012 to December 21, 2013 in which to exercise SPECIAL PERMIT/SITE PLAN APPROVAL #272-09, granted on December 21, 2009 to erect at 39 HERRICK ROAD, Ward 6, NEWTON CENTRE (Lot 7) a 3-story mixed-use building containing 4 dwelling units and ground floor commercial space with a 75-seat restaurant, with underground parking and associated parking waivers (allow 1¼ parking spaces per housing unit; allow off street parking facilities to be located on a separate lot; waive 9 parking spaces; waive 3 bicycle parking spaces; allow frontage to be measured along a public footway) and to construct a retaining wall greater than 4 feet within the rear/side setbacks and waive 18 existing parking spaces on Lot 7 Herrick Road, on land known as Sec 61, Blk 35, Lots 6 and 7, in a district zoned BUSINESS 1.
LAND USE NO ACTION NECESSARY 4-0 (Fischman, Harney, Schwartz not voting)
- #137-10(4) **REQUEST FOR AN EXTENSION OF TIME** in which to EXERCISE Special Permit/Site Plan Approval #137-10(3) granted to SHARAD S. GANDBHIR on November 21, 2011 for an accessory apartment in an existing detached structure and to allow three parking spaces in the front setback and less than five feet from the front lot line at 298-300 ADAMS STREET, Ward 1; said EXTENSION will run from November 21, 2012 to November 21, 2013. Ref: Sec. 30-24(c)(4)of the City of Newton Rev Zoning Ord, 2012.
LAND USE NO ACTION NECESSARY 4-0 (Fischman, Harney, Schwartz not voting)
- #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 .52, at 97 HILLSIDE AVENUE, Ward 3, West Newton, on land known as SBL 32, 3, 12, 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.
LAND USE APPROVED 4-0 (Fischman, Harney, Schwartz not voting)
- #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.

- (1) **6-PARKING-STALL WAIVER FOR RETAIL USE ONLY LAND USE APPROVED 7-0**
 (2) **8 PARKING-STALL WAIVER FOR RESTAURANT USE UP TO 110 SEATS A LAND USE PPROVED 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

MOTION IN LAND USE TO APPROVE AN EXTENSION OF TIME FOR DOCKET ITEM #190-12 TO DECEMBER 18, 2012 WAS APPROVED 7-0

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, October 22, 2012

#81-11

ALDERMEN JOHNSON, CROSSLEY, HESS-MAHAN, LAPPIN & DANBERG requesting the Director of Planning & Development and the Chair of the Zoning Reform Scoping Group provide updates on the Scoping Group's Progress. These updates will occur at the frequency determined by the Chair of the Scoping Group and the Chair of the Zoning and Planning Committee.
 [3/14/2011 @ 11:16PM]

ZONING & PLANNING NO ACTION NECESSARY 7-0 (Ald. Swiston not voting)

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Monday, October 17, 2012

Appointment by His Honor the Mayor

#287-12 JOSEPH FRASSICA, 123 Spiers Road, Newton Centre appointed as an *alternate member* of the PARKS & RECREATION COMMISSION for a term to expire September 11, 2015 (60 days 12/01/12). [09-14-12 @3:04PM]

PROGRAMS & SERVICES APPROVED 8-0

Appointment by His Honor the Mayor

#293-12 ARIC PARNES, 43 Beverly Road, Newton Highlands, 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 8-0

#162-11(2) DIRECTOR OF PLANNING & DEVELOPMENT requesting a letter of support from the Board of Aldermen for the Draft *2013-2020 Recreation and Open Space Plan*. [08-06-12 @11:53AM]

PROGRAMS & SERVICES REFERRED TO ZONING AND PLANNING COMMITTEE 8-0

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, October 17, 2012

#269-12 ALD. JOHNSON, requesting a discussion re plans for proposed bike lanes within Newton.

PUBLIC SAFETY NO ACTION NECESSARY 5-0 (Fuller and Schwartz not voting)

#297-12 DAVID KOSES, Traffic Council Chair, requesting review and discussion of Traffic Council Policy #2, requests for Residential Handicap Parking Spaces.

PUBLIC SAFETY NO ACTION NECESSARY 5-0 (Fuller and Schwartz not voting)

#298-12 DAVID KOSES, Traffic Council Chair, requesting review and discussion of Traffic Council Policy #3, Prioritization of On-Street Parking and Bicycle lanes.

PUBLIC SAFETY NO ACTION NECESSARY 5-0 (Fuller and Schwartz not voting)

#296-12 DAVID KOSES, Traffic Council Chair, requesting review and discussion of Traffic Council Policy #1, On-Street Parking Guidance. [09/24/12 @ 10:53 AM]

PUBLIC SAFETY NO ACTION NECESSARY 6-0 (Fuller not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, 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 FACILITIES APPROVED 6-0 (Gentile not voting)

- #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 FACILITIES APPROVED 6-0-1 WITH A CONDITION (Gentile abstaining)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #321-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of six hundred ninety-five thousand five hundred fifty-eight dollars (\$695,558) from bonded indebtedness for the purpose of completing design services through the construction administration phase of the Carr School Building renovation project. [10/09/12 @ 2:37 PM]
FINANCE APPROVED 5-0-2 (Blazar, Fuller abstaining; Linsky not voting) on 10/22/12
PUBLIC FACILITIES APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #54-12 ALD. SALVUCCI, BLAZAR AND FULLER requesting the creation of a revolving fund into which 50% of all betterment income shall be deposited to be used exclusively for individual requests for betterments. [02/02/12 @ 10:21 AM]
FINANCE APPROVED 6-0 (Blazar, Linsky not voting) on 10/22/12
PUBLIC FACILITIES APPROVED 6-0-1 (Crossley abstaining)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Tuesday, October 30, 2012

- #301-12 DESIGN REVIEW COMMITTEE in accordance with §5-58 of the City of Newton Ordinances petitioning for site plan approval for the Carr School Renovation Project. [09/24/12 @ 9:20 AM]
PUBLIC FACILITIES APPROVED 8-0

REFERRED TO FINANCE COMMITTEE

Monday, October 22, 2012

- #318-12 HIS HONOR THE MAYOR requesting authorization to expend seventy thousand dollars (\$70,000), which represents the first year of a five-year, \$350,000 reimbursement grant from the United States Food and Drug Administration for the purpose of strengthening, standardizing, and documenting food safety inspection and community outreach activities of the Health and Human Services Department. [10/09/12]
FINANCE APPROVED 8-0

- #304-12 HIS HONOR THE MAYOR requesting authorization to expend up to fifty thousand dollars (\$50,000) in gifts for the purpose of furthering the ideals of the Commission on Disabilities. [09/24/12 @ 5:48 PM]
FINANCE APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #321-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of six hundred ninety-five thousand five hundred fifty-eight dollars (\$695,558) from bonded indebtedness for the purpose of completing design services through the construction administration phase of the Carr School Building renovation project. [10/09/12 @ 2:37 PM]
PUBLIC FACILITIES APPROVED 7-0 on 10/17/12
FINANCE APPROVED 5-0-2 (Blazar, Fuller abstaining; Linsky not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #54-12 ALD. SALVUCCI, BLAZAR AND FULLER requesting the creation of a revolving fund into which 50% of all betterment income shall be deposited to be used exclusively for individual requests for betterments. [02/02/12 @ 10:21 AM]
PUBLIC FACILITIES APPROVED 6-0-1 (Crossley abstaining) on 10/17/12
FINANCE APPROVED 6-0 (Blazar, Linsky not voting)

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS

The Public Hearing on the following petition was opened and continued on September 11, 2012; it will be continued to November 13, 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 8 parking stalls; to locate parking 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 2. 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 November 27, 2012:

- #272-12(3) BH NORMANDY OWNER, LLC petition to AMEND Special Permit/Site Plan Approval application #272-12, for which a public hearing was opened on October 9, 2012, with respect to EXTENDING a NONCONFORMING STRUCTURE to allow construction of a ramp on the easterly side of the Hotel

Indigo at 399 Grove Street, Newton Lower Falls. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing assigned for November 7, 2012:

#355-12 NATIONAL GRID requesting a grant of location to install and maintain 110' ± of 4" gas main in WINSTON ROAD from the existing 4" gas main at 46 Winston Road westerly to 38 Winston Road. (Ward 5) 10/10/12 @ 1:47 PM]

Public Hearing assigned for November 7, 2012:

#356-12 NSTAR ELECTRIC petitioning for a grant of location to install 12,432' ± of supplemental 8" diameter steel cooling circulation pipeline and a 4" conduit in the same trench in DEDHAM STREET from the Boston town line near the intersection of Spiers Road and Dedham Street to the intersection of Dedham, Winchester and Needham Streets. The project also includes the installation of eleven street rated hand-holes (3' x 3' x 3) in Dedham Street to facilitate the installation of fiber optic cable as shown on the plan and profile drawings. The pipeline and conduit will continue down Needham Street (state road) to the Elliot Street Substation. NStar is requesting the grant of location in order to address the need to provide additional electric transmission reliability and capacity to address current and future demand supply at the existing Elliot Street Substation #292 in Newton. (Ward 5 & 8) [10-18-12 @ 4:34 PM]

Public Hearing continued to November 27, 2012:

#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.

Public Hearing continued to November 27, 2012:

#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.