

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, November 19, 2012

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

Absent: Ald. Ciccone and Gentile

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

#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), 996 904 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.
LAND USE APPROVED 7-0

MOTION TO POSTPONE TO DATE CERTAIN OF DECEMBER 3, 2012 WAS APPROVED BY VOICE VOTE

Clerk's Note: The Chairmen of the Land Use Committee asked for the postponement of this item because the petitioner provided some additional information and material on the Friday before this meeting and several Aldermen wanted more time to review it. The Board has until December 18, 2012 to act on this item.

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 2 ABSENT (Ald. Ciccone and Gentile) TO TAKE THE FOLLOWING ACTIONS:

REFERRED TO LAND USE COMMITTEE

Tuesday, November 13, 2012

Public Hearings were held on the following items:

#164-06(4) **WHOLE FOODS MARKET GROUP, INC.** petition to AMEND the site plan approved in SPECIAL /SITE PLAN APPROVAL and EXTENSION of a NONCONFORMING STRUCTURE #164-06(3) granted on April 4, 2007 in

order to remove five parking stalls and to construct an addition to an existing nonconforming structure at 916 WALNUT STREET, Ward 6, on land known as SBL 62, 4, 12, containing approximately 37,870 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 3 of the City of Newton Rev Zoning Ord, 2012 and Special Permit #164-06(3).

HEARING CLOSED

- #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. .

HEARING CLOSED

- #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.

HEARING CLOSED (Laredo recused)

- #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), (l), 30-19(c), 30-19(d)(10), 30-19(d)(13), 30-19(l), and 30-19(m), 30-11(d)(9), 30-11(k), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, November 7, 2012

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #359-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of three hundred thousand dollars (\$300,000) from the FY 2013 Budget Reserve to the Parks & Recreation Forestry Vehicle Rentals Account for the purpose of responding to tree damage as a result of Hurricane Sandy. [10/30/12 @ 12:42 PM]
FINANCE APPROVED AS AMENDED 6-0 on 11/14/12
PROGRAMS & SERVICES APPROVED AS AMENDED 5-0 WITH
ADDITIONAL \$200,000 FROM FREE CASH (Blazar, Fishman not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, November 7, 2012

- #338-12 DOROTHY W. DUNDAS, 15 Moreland Avenue, Newton Centre, MA 02459 requesting renewal of **one (1) public auto license** for Crystal Lake Express. [09/10/12 @ 8:50 AM]
PUBLIC SAFETY APPROVED 5-0 (Yates, Kalis not voting)
- #339-12 JERRY ROBBINS, 253 Riverview Avenue, Newton, MA 02466, requesting renewal of **four (4) public auto licenses** for Weldon Group Inc. [09/24/12 @ 9:35 AM]
PUBLIC SAFETY APPROVED 5-0 (Yates, Kalis not voting)
- #340-12 AHCENE TOURI, 31 Irving Street, #A-8, Watertown, MA 02472, requesting renewal of **one (1) taxi license** for Newton Metro Cab. [09/12/12 @ 11:56 AM]
PUBLIC SAFETY APPROVED 5-0 (Yates, Kalis not voting)
- #341-12 MOHAMED SAIDI, 77 Cedar Street, Boston, MA 02119, requesting renewal of **one (1) taxi license** for Newton Luxury Cab. [09/25/12 @ 1:11 PM]
PUBLIC SAFETY APPROVED 5-0 (Yates, Kalis not voting)
- #342-12 MICHAEL ANTONELIS, 224 Calvary Street, Waltham, MA 02453, requesting renewal of **four (4) public auto licenses, forty-nine (49) taxi licenses, and twelve (12) designated taxi stands** for VETERANS TAXI of NEWTON, LLC [09/27/12 @ 2:31 PM]
PUBLIC SAFETY APPROVED 5-0 (Yates, Kalis not voting)
- #344-12 GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **two (2) taxi licenses** for Newtonville Cab Co. Inc. [09/28/12 @ 4:03PM]
PUBLIC SAFETY APPROVED 5-0 (Yates, Kalis not voting)

- #346-12 GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **three (3) taxi licenses and two (2) designated taxi stands** for Holden's Taxi Inc. [09/28/12 @ 4:03PM]
PUBLIC SAFETY APPROVED 5-0 (Yates, Kalis not voting)
- #347-12 YEKATERINA PORTNAYA, PO Box 42, 90 Oak Street, 4th floor, Newton, MA 02464 requesting renewal of **one (1) public auto license** for Beantown Carriage, LLC. [10/01/12 @ 10:13 AM]
PUBLIC SAFETY APPROVED 5-0 (Yates, Kalis not voting)
- #348-12 ANIS LAHIANI, 4 Cedar Street, Suite 405, Wellesley, MA 02481, requesting renewal of **one (1) taxi license** for Newton Town Taxi. [10/01/12 @ 2:04 PM]
PUBLIC SAFETY APPROVED 5-0 (Yates, Kalis not voting)
- #349-12 HAMDIL TLILI, 12 Appleton Street, Waltham, MA 02453, requesting renewal of **one (1) public auto license** for Newton Car Service. [10/02/12 @ 2:01 PM]
PUBLIC SAFETY APPROVED 5-0 (Yates, Kalis not voting)
- #350-12 DONALD LaPLANTE, 395 Lexington Street, Auburndale, MA 02466, requesting renewal of **(one) public auto license** for Don's Car Service. [10/03/12 @ 3:57 PM]
PUBLIC SAFETY APPROVED 5-0 (Yates, Kalis not voting)
- #351-12 DAVID NEWCOMB, 275 Grove Street, Suite 2-400, Auburndale, MA 02466 requesting renewal of **one (1) public auto license** for NEWTON COACH, INC. [10/10/12 @ 12:07 PM]
PUBLIC SAFETY APPROVED 5-0 (Yates, Kalis not voting)
- #352-12 ZAKARIA ATROUSSE, 9 Hazelwood Street, Malden, MA 02148, requesting renewal of **one (1) public auto license** for Boston City Limousine. [10/10/12 @ 1:10 PM]
PUBLIC SAFETY APPROVED 5-0 (Yates, Kalis not voting)
- #353-12 MEDHI HAOUHLANI, 72 Beaver Street, Waltham, MA 02453, requesting renewal of **three (3) taxi licenses** for NEWTON CAB. [10/11/12 @ 2:58 PM]
PUBLIC SAFETY APPROVED 5-0 (Yates, Kalis not voting)
- #354-12 ROBERT KEEFE, 266 Nevada Street, Newton 02460, requesting renewal of **one (1) public auto license** for Charter Rides, Inc. [10/16/12 @ 9:39 AM]
PUBLIC SAFETY APPROVED 5-0 (Yates, Kalis not voting)
- #343-12 RICHARD E. JOHNSTON, 25 Border Street, West Newton, MA 02465 requesting renewal of **twenty (20) taxi licenses and two (2) designated taxi stands** for Newton Yellow Cab, Inc. [09/28/12 @ 3:32 PM]
PUBLIC SAFETY APPROVED 5-0 (Yates, Kalis not voting)

- #345-12 GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **three (3) taxi licenses** for Newton Taxi Co. [09/28/12 @ 4:03PM]
PUBLIC SAFETY APPROVED 5-0 (Yates, Kalis not voting)
- #195-12 ALD. BLAZAR filing on behalf of Deborah & Marc Fogel, Michael Hamilton, and Deborah Lewis an appeal from TC50-11, which was approved 3-2 (Babcock, Ciccone opposed) by Traffic Council on May 31, 2012 to prohibit parking between the driveway at 51 Lake Avenue and south to the curve at Cronin's Cove, Crystal Lake. (Appeal filed 06/18/12).
PUBLIC SAFETY APPEAL DENIED 5-0 (Fuller, Yates not voting)
- #311-12 ALD. CICCONE filing on 09/28/12 an appeal from TC5-12, which requested parking restrictions in the area of the blind curve on Winchester Street (Ward 8), approved by Traffic Council on September 27, 2012.
PUBLIC SAFETY APPEAL APPROVED AS AMENDED 4-0-1 (Fuller abstaining; Schwartz, Yates not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, 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.
PUBLIC FACILITIES APPROVED 7-0
- #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 FACILITIES APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #319-12 ALD. FULLER, LAPPIN AND SALVUCCI requesting a discussion of the benefits and drawbacks of using a Construction Manager at Risk and the most effective ways of managing construction and controlling costs. [10/02/12 @ 10:57 AM]
FINANCE VOTED NO ACTION NECESSARY 7-0 on 10/22/12
PUBLIC FACILITIES NO ACTION NECESSARY 6-0-1 (Danberg not voting)

REFERRED TO FINANCE COMMITTEE

Wednesday, November 14, 2012

- #357-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one million eight hundred fifty thousand dollars (\$1,850,000) from FY 2012 Free Cash to the Rainy Day Stabilization Fund. [10-30-12 @ 12:42 PM]
FINANCE APPROVED 6-0
- #358-12 HIS HONOR THE MAYOR requesting authorization to expend a fifteen thousand dollars (\$15,000) reimbursable grant from the Massachusetts Historical Commission for the purpose of surveying and documenting historic buildings in the City of Newton. [10/30/12 @ 12:42]
FINANCE APPROVED 6-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #359-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of three hundred thousand dollars (\$300,000) from the FY 2013 Budget Reserve to the Parks & Recreation Forestry Vehicle Rentals Account for the purpose of responding to tree damage as a result of Hurricane Sandy. [10/30/12 @ 12:42 PM]
PROG & SERV APPROVED AS AMENDED 5-0 INCREASE OF 200K FROM FREE CASH
FINANCE APPROVED AS AMENDED 6-0 INCREASE OF 200K FROM FREE CASH
- #303-12 HIS HONOR THE MAYOR requesting authorization to expend a State Brownfields Program Reimbursable Grant in the amount of twenty-two thousand one hundred fifty eight dollars (\$22,158) and authorization to transfer the sum of twenty-two thousand one hundred fifty-eight dollars (\$22,158) from Budget Reserve for the purpose of purchasing environmental insurance to support the creation of a multi-purpose recreational pathway through a 99-year lease between the City and the Massachusetts Bay Transportation Authority (MBTA) for an unused MBTA Right of Way parallel to Needham Street. [09/24/12 @ 5:00 PM]
FINANCE APPROVED AS AMENDED 5-0-1 (Blazar abstaining) @ \$40,409.82 from FREE CASH

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

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

- #391-12 ALD. LENNON, filing on 11/14/12 an appeal from TC36-12, which requested parking spaces on Richardson Street, which are currently reserved for Parks & Recreation Employees on weekdays, be changed back to metered parking spaces (Ward 1), approved as amended by Traffic Council on October 25, 2012.

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public Hearing to assigned for December 11, 2012:

#277-10(3) JENNIE MARIE ONE LLC/JENNIE MARIE TWO LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing single-family dwelling and construct a multi-family dwelling containing a total of nine 2-bedroom units (three units per floor), with the first floor units adaptable under the Massachusetts Architectural Access Code, and parking to the rear (accessed by Cottage Court) at 152 ADAMS STREET, Ward 1, Nonantum on land known as SBL 14, 14, 33, containing ≈14,532 sq. ft. of land in districts zoned BUSINESS 2 and BUSINESS 1. Ref: Sec 30-24, 30-23, 30-11(d)(8), 30-11(j), 30-15(h), 30-15 Table 30-19(h)(2)a), b), d), 30-19(i)(1)a)i), 30-19(j)(1), and 30-19(m) the City of Newton Rev Zoning Ord, 2012.

Public Hearing to assigned for November 28, 2012:

#393-12 LIGHTOWER FIBER NETWORKS petitioning for a grant of location to install 135' ± of 4" conduit in WELLS AVENUE from Verizon Manhole 47/322A to 60 Wells Avenue to provide fiber optic service. (Ward 8) [11/02/12 @ 9:48 AM]

Public Hearing to assigned for November 28, 2012:

#394-12 DESIGN REVIEW COMMITTEE in accordance with §5-58 of the City of Newton Ordinances petitioning for schematic design and site plan approval for the proposed new Fire Station 10 (755 Dedham Street) with the inclusion of a possible Wires Division building on the site of the existing Fire Station 10. [11/06/12 @ 8:57 AM]

Public Hearing to assigned for December 3, 2012:

#397-12 DIRECTOR OF ASSESSMENT ADMINISTRATION submitting for Board of Aldermen review and approval the FY13 Municipal Property Tax Levy Distribution Percentages among residential, open space, commercial and industrial classes of Real Property.