

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, December 3, 2012

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

Absent: Ald. Merrill

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

REFERRED TO LAND USE COMMITTEE

#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 on November 8, 2012

ITEM POSTPONED ON NOVEMBER 5, 2012 TO DATE CERTAIN OF DECEMBER 3, 2012

APPROVED 21 YEAS, 1 NAY (Ald. Sangiolo), 1 ABSENT (Ald. Merrill), 1 RECUSED (Ald. Swiston)

Clerk's Notes: The Chair of the Land Use Committee provided an overview of the project and the site. The project includes three affordable units, one more than required. Questions that arose during the discussion of the item in Land Use included the limited amount of parking that will be on site. The expectation is that these apartments will be one and two bedroom units and will draw renters interested in using public transportation. Another major question was the drainage on the site and in the neighborhood. The Engineering Department has supplied a memo that outlines what is necessary and the engineer's recommendations have been incorporated in the Special Permit. Revisions were incorporated in the design to address water table concerns discovered by monitoring wells on the site and on abutter's property. The revisions included raising the basement floor slab 30" to bring the slab 33" above the 100 year storm water table and avoid any water displacement. The building itself will not get any taller as the floors have been compressed to reduce the ceiling height to 9'. The building will be comparable in height to the buildings on either side of it.

Ald. Sangiolo raised the concern that the engineer had recommended that a seed money account for maintenance be included as a condition of the Special Permit to make sure the drainage system is maintained. She noted that the city engineer had reiterated that statement again earlier in the day. The Chair of the Land Use Committee noted that the Law Department had indicated that this was not appropriate in this case as this was not a subdivision, but a single owner property. In the case of a subdivision where there are multiple homeowners, the seed money makes sure that all of the homeowners contribute to the maintenance before it is built and don't just ignore the maintenance after the fact.

Ald. Sangiolo stated that she would be voting against the project as she believes that 13 units is too dense for the neighborhood.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#324-12 HIS HONOR THE MAYOR requesting the following:

- (1) To present the following levy limit override and debt exclusion ballot questions to the voters in accordance with the procedure prescribed by Massachusetts General Law Chapter 59, Section 21C(g) and (k):
 - Shall the City of Newton be allowed to assess an additional \$8,400,000 in real estate and personal property taxes for the purpose of funding municipal and school operating and capital expenses to support increased student enrollment, fund street and sidewalk paving, fund public safety personnel, address the condition and capacity of Zervas Elementary School, fund the relocation of the fire Department Wires Division, and fund the replacement of Fire Headquarters and Fire Station 3 in Newton Centre for the fiscal year beginning July 1, 2013?
Yes _____ No _____
 - Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 1/2, so called, the amounts required to pay for the bonds issued in order to renovate or replace the A.E. Angier Elementary School?
Yes _____ No _____
 - Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 1/2, so called, the amounts required to pay for the bonds issued in order to renovate or replace the Cabot Elementary School?
Yes _____ No _____
- (2) A request to call a special election to present the levy limit override and debt exclusion ballot questions to the voters and set a date of March 12 2013, for such special election.

- (3) A Request to appropriate from Budget Reserve the sum of eighty-five thousand dollars (\$85,000) for the purpose of funding the costs of a special election to present the levy limit override and debt exclusion ballot questions to the voters.

FINANCE APPROVED 8-0

PROGRAMS & SERVICES APPROVED 5-0-2(Ald. Baker & Hess-Mahan abstaining)

APPROVED 23 YEAS, 1 ABSENT (Ald. Merrill)

Clerk's Note: Support for the Mayor's proposal was voiced by several Aldermen. Concerns about the proposal were raised including that the proposed override was not asking for enough funds, that technology for the schools was not included, and that capital projects included in the general operating override should be pulled out as separate debt exclusion overrides. In the end no amendments were offered and the request was approved unanimously.

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

REFERRED TO LAND USE COMMITTEE

Tuesday, November 27, 2012

A Public Hearing was opened on the following petition:

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.

HEARING CONTINUED TO DECEMBER 18, 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.

HEARING CONTINUED TO DECEMBER 18, 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.

HEARING CONTINUED TO DECEMBER 18, 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.

HEARING CONTINUED TO DECEMBER 18, 2012

#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.

HEARING CONTINUED TO DECEMBER 18, 2012

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, November 26, 2012

Appointment by His Honor the Mayor

#309-12 JESSICA ALPERT, 14 Fuller Avenue, West Newton, appointed as a member of the URBAN DESIGN COMMISSION for a term to expire September 17, 2015 (60 days 12/14/12). [10-03-12 @12:17 PM]

ZONING & PLANNING APPROVED 7-0

Appointment by His Honor the Mayor

#389-12 ROGER WYNER, 16 Pettee Street, Newton Upper Falls, appointed as a member of PLANNING & DEVELOPMENT BOARD for a term of office to expire October 18, 2017 (60 days 01/18/13). [11-01-12@4:28PM]

ZONING & PLANNING APPROVED 7-0

Appointment by His Honor the Mayor

#326-12 FRANK McGEHEE, 20 River Street, West Newton, appointed as a member of THE ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 18, 2015 (60 days 01/04/13) [10-22-12 @3:17PM]

ZONING & PLANNING APPROVED 7-0

Appointment by His Honor the Mayor

#390-12 CHARLES RUDNICK, 41 Lombard Street, Newton, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 18, 2015 (60 days 01-18-13). [10-25-12 @4:14 PM]

ZONING & PLANNING APPROVED 7-0

#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]

ZONING & PLANNING APPROVED 6-0 (Sangiolo not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, 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 FACILITIES APPROVED 6-0 (Lappin, Lennon not voting)

- #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]
HEARING CONTINUED

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #401-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred twenty-one thousand sixty-three dollars (\$121,063) from the Storm Water Management Fund Surplus for the sediment removal and maintenance of the City Hall ponds. [11/13/12 @ 5:12 PM]
FINANCE APPROVED 6-0-2 (Ald. Fuller and Linsky abstaining)
PUBLIC FACILITIES APPROVED 7-0 (Lennon not voting)

REFERRED TO FINANCE COMMITTEE

Thursday, November 29, 2012

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #401-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred twenty-one thousand sixty-three dollars (\$121,063) from the Storm Water Management Fund Surplus for the sediment removal and maintenance of the City Hall ponds. [11/13/12 @ 5:12 PM]
PUBLIC FACILITIES APPROVED 7-0 (Lennon not voting) on 11/28/12
FINANCE APPROVED 6-0-2 (Ald. Fuller and Linsky abstaining)

REFERRED TO FINANCE COMMITTEE

- #323-12 HIS HONOR THE MAYOR requesting local acceptance of the following sections of Massachusetts General Laws Chapter 59 related to tax exemptions:
- The provisions of Chapter 59 section 5 added by Chapter 181 of the Acts of 1995, which authorizes an annual increase in the amount of the exemption granted to senior citizens, surviving spouses and surviving minors under General Laws Chapter 49, Section 5, Clause 17D by up to 100% of the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) for the previous year as determined by the Commissioner of Revenue, and to fix that annual increase at 100% of the CPI: to be effective for exemptions granted any fiscal year beginning on or after July 1, 2013.
 - Chapter 59, Section 5, Clause 17E, which authorizes an annual increase in the asset (the whole estate) limit for exemptions granted to senior citizens, surviving spouses, and surviving minors by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for

the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted any fiscal year beginning on or after July 1, 2013.

- Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted any fiscal year beginning on or after July 1, 2013.
- Chapter 59, Section 5N to establish a Veteran's Tax Work-Off Program that will authorize a qualifying veteran or a proxy, if the qualifying veteran is physically unable to perform the work, to work-off up to the maximum reduction of the real property⁷ tax bill based on 125 volunteer service hours in a given tax year. .
- Chapter 59, Section 5K, (Senior Tax Work-Off Program) and the amendment to Section 27-20 of the Revised Ordinances of the City of Newton 2012 to allow the maximum reduction to be based on 125 hours of service, rather than \$1,000, as well as discussion of adopting a provision to allow a proxy to perform the work on behalf of a qualifying senior who is physically unable to perform the volunteer service.

FINANCE APPROVED 8-0

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

#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.
PUBLIC HEARING OPENED AND CLOSED
COMMITTEE OF THE WHOLE WITH FINANCE PRESIDING VOTED TO APPROVE BY VOICE VOTE A MINIMUM RESIDENTIAL FACTOR OF 91.1770 - A SHIFT OF 174%

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 1 ABSENT (Ald. Merrill), 1 EXCUSED (Ald. Laredo) TO TAKE THE FOLLOWING ACTIONS:

Appointment by His Honor the Mayor

#327-12 ROBERT FINKEL, 6 Stearns Street, Newton Centre, appointed as a member of THE ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 18, 2014 (60 days 01/04/13) [10-25-12 @4:14PM]
ZONING & PLANNING APPROVED 7-0

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 1 NAY (Ald. Sangiolo), 1 ABSENT (Ald. Merrill) TO TAKE THE FOLLOWING ACTIONS:

- #49-11 ALD. JOHNSON, Chair of Zoning and Planning Committee, on behalf of the Zoning and Planning Committee requesting that the Director of Planning & Development and Commissioner of Inspectional Services review with the Zoning & Planning Committee the FAR data collected during the eight months prior to the new FAR going into effect and the 12 months after. This committee review should occur no less than bi-monthly but could occur as frequently as monthly, based on the permits coming into the departments. [02-15-11 @8:44AM]
ZONING & PLANNING NO ACTION NECESSARY 5-0-2 (Johnson and Sangiolo opposed)