

**CITY OF NEWTON**

**IN BOARD OF ALDERMEN**

**BOARD ACTIONS**

Monday, June 6, 2011

Present: Ald. Baker, Blazar, Ciccone, Crossley, Danberg, Fischman, Freedman, Fuller, Gentile, Harney, Hess-Mahan, Johnson, Lappin, Linsky, Merrill, Rice, Salvucci, Sangiolo, Schnipper, Shapiro, Swiston, and Yates

Absent: Ald. Albright & Lennon

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 22 YEAS, 0 NAYS, 2 ABSENT (Ald. Albright & Lennon) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:**

**THE CHAIR OF LAND USE COMMITTEE REQUESTED A SUSPENSION OF THE RULES TO POLL HIS COMMITTEE TO ACCEPT THE FOLLOWING TWO REQUESTS FOR EXTENSIONS OF TIME AND TO REPORT ON A WITHDRAWAL WHICH WAS APPROVED BY VOICE VOTE**

- #7-11(2)      AGREEMENT to an EXTENSION of TIME in which to ACT on CHARLES RIVER COUNTRY CLUB, INC. petition #7-11 for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND A NON CONFORMING USE to create a short game practice area for its members and guests at 483 DEDHAM STREET, Ward 8; said EXTENSION will run from June 13, 2011 to August 2, 2011.  
**LAND USE APPROVED 5-0**
- #80-11(2)      AGREEMENT to an EXTENSION of TIME in which to ACT on ERROL R. NORWITZ petition #80-11 for a SPECIAL PERMIT/SITE PLAN APPROVAL for an addition and a raised rear deck, increasing the non-conforming Floor Area Ratio from .4196 to .468, at 68 DAY STREET, Auburndale; said EXTENSION will run from July 11, 2011 to August 10, 2011.  
**LAND USE APPROVED 7-0**
- #131-11      MARK NICHOLS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct an attached garage, a new bathroom, additional storage space, and a new dormer, which will increase the Floor Area Ratio from .34 to .41, on an existing single-family dwelling at 33 Beverly Road, Newton Highlands, Ward 6, on land known as SBL 54, 27, 6, containing ≈6,000 sq. ft. in a district zoned Single Residence 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)b), 30-21(b) of the City of Newton Rev Zoning Ord.  
**PETITION WITHDRAWN BY PETITIONER**

**REFERRED TO ZONING AND PLANNING COMMITTEE**

Wednesday, May 25, 2011

Appointment by His Honor the Mayor

#133-11 STUART SNYDER, 30 Erie Avenue, Newton Highlands, appointed as an alternate member of the Planning and Development Board for a term of office to expire on February 1, 2014. [04/25/2011@ 4:20PM] (60 days to expire on June 23, 2011)

**ZONING & PLANNING APPROVED 6-0 (Shapiro not voting)**

Appointment by His Honor the Mayor

#134-11 EUNICE KIM, 147 Crafts Street, Newton, appointed as an alternate member of the Planning and Development Board for a term of office to expire on February 1, 2014. . [04/25/2011@ 4:20PM] (60 days to expire on June 23, 2011)

**ZONING & PLANNING APPROVED 6-0 (Shapiro not voting)**

Appointment by His Honor the Mayor:

#112-11 DAVID ABROMOWITZ, 66 Clyde Street, Newtonville, appointed to the Economic Development Commission for a term of office to expire on May 1, 2014. [04-11-11 @5:31 PM] (60 days to expire on June 19, 2011)

**ZONING & PLANNING APPROVED 7-0**

Appointment by His Honor the Mayor:

#113-11 BARRY ABRAMSOM, 113 Chestnut Street, West Newton, appointed to the Economic Development Commission for a term of office to expire on May 1, 2014. [04-11-11 @5:30 PM] (60 days to expire on June 19, 2011).

**ZONING & PLANNING APPROVED 7-0**

#17-11(2) TERRENCE P. MORRIS et. al., proposing amendments to Section 30-1 of the Zoning Ordinance which would institute a length-weighted mean approach for calculating grade plane by revising the current definition of grade plane; and by inserting a new definition of average grade containing a method for a length-weighted mean grade plane calculation. [03-30-11 @ 4:12PM]  
(Public Hearing closed 4-25-2011; 90 day expiration July 22, 2011)

**ZONING & PLANNING APPROVED 7-0**

#65-11(2) TERRENCE P. MORRIS & JOSEPH PORTER proposing amendments to the Zoning Ordinance to revise the definition of "height" in Section 30-1

A) so as to calculate building height as the distance from grade plane to the peak of the roof; to revise clause (b) in the definition of "height, contextual" in Section 30-1 (relating to Section 30-15(s) Planned Multi-Use Business Developments) so as to calculate vertical distance using the peak of the roof; to increase the height limits in residential districts contained in Section 30-15, Density/Dimensional Controls, Tables 1 and 4; to increase the height limit contained in Section 30-15(m) for accessory structures

**ZONING & PLANNING APPROVED 6-0-1 (Ald. Sangiolo abstaining)**

- B) To add a provision in Section 30- 15(m) to allow accessory structure height limits to be waived by special permit. [03-30-11 @ 4:12PM]  
**HELD 6-0-1 (Pres. Lennon abstaining)**  
(Public Hearing closed 4-25-2011; 90 day expiration July 22, 2011)

**REFERRED TO PROGRAMS AND SERVICES COMMITTEE**

Wednesday, May 18, 2011

Appointment by His Honor the Mayor:

- #115-11 KATHERINE JORDAN-QUERN, 13 Prospect Street, West Newton, appointed to the Newton Child Care Commission for a term of office to expire on January 1, 2012. [04/11/11 @3:28PM] (60 days to expire on June 19, 2011)  
**PROGRAMS & SERVICES APPROVED 7-0**

Appointment by His Honor the Mayor:

- #116-11 KIM NEAL, 71 Beethoven Avenue, Waban, appointed to the Newton Child Care Commission for a term of office to expire on January 1, 2013. [04/11/11 @3:27PM] (60 days to expire on June 19, 2011)  
**PROGRAMS & SERVICES APPROVED 7-0**

Re-appointment by His Honor the Mayor:

- #117-11 KATHERINE DONOVAN, 46 Oakland Street, Auburndale, appointed to the Newton Child Care Commission for a term of office to expire on January 1, 2013. [04/07/11 @3:35PM] (60 days to expire on June 19, 2011)  
**PROGRAMS & SERVICES APPROVED 7-0**

Appointment by His Honor the Mayor:

- #119-11 ELIZABETH WILKINSON, 14 Trowbridge Street, Newton Centre, appointed to the Urban Tree Commission for a term of office to expire on May 1, 2014. [04/11/11 @3:27PM] (60 days to expire on June 19, 2011)  
**PROGRAMS & SERVICES APPROVED 7-0**

Appointment by His Honor the Mayor:

- #120-11 BARBARA DARNELL, 296 Lake Avenue, Newton Highlands, appointed to the Urban Tree Commission for a term of office to expire on May 1, 2014. [04/11/11 @3:27PM] (60 days to expire on June 19, 2011)  
**PROGRAMS & SERVICES APPROVED 7-0**

Appointment by His Honor the Mayor:

- #121-11 MICHAEL GOLDMAN, 14 Saxon Terrace, Newton Highlands, appointed to the Newton Farm Commission for a term of office to expire on July 31, 2014. [04/11/11 @5:27PM] (60 days to expire on June 19, 2011).  
**PROGRAMS & SERVICES APPROVED 6-0 (Linsky not voting)**

**Clerk's Note:** This item was incorrectly referred to Programs & Services. It was taken up in the Committee on Community Preservation and is reported later in this report.

Appointment by His Honor the Mayor:

#122-11 NANCY BROWN, 161 Highland Avenue, West Newton, appointed to the Council on Aging for a term of office to expire on April 1, 2013. [04/11/11 @3:27PM] (60 days to expire on June 19, 2011).

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

Appointment by His Honor the Mayor:

#123-11 SUSAN PALEY, 1525 Commonwealth Avenue, West Newton, appointed to the Council on Aging for a term of office to expire on April 1, 2013. [04/11/11 @5:26PM] (60 days to expire on June 19, 2011).

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

**THE CHAIR OF THE PROGRAMS & SERVICES COMMITTEE REQUESTED A SUSPENSION OF THE RULES TO REPORT THE FOLLOWING ITEM FROM ITS MEETING EARLIER IN THE EVENING WITHOUT A WRITTEN REPORT WHICH WAS APPROVED BY VOICE VOTE**

Appointment by His Honor the Mayor:

#118-11 PENNY CAPONIGRO, 63 Hyde Street, Newton Highlands, appointed to the Urban Tree Commission for a term of office to expire on May 1, 2014. [04/11/11 @3:27PM] (60 days to expire on June 19, 2011)

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

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, May 18, 2011

#157-11 VERIZON requesting a grant of location to install and maintain 115' ± of 2" conduit in an easterly direction in CHURCH STREET from Manhole 16/129, and 346' ± of 2" conduit in a southerly direction in MAPLE AVENUE and place three 2' x 3' hand holes, which will be located between 206 and 200 Church Street, between 14 and 18-20 Maple Avenue and between 26 and 32 Maple Avenue. All hand holes to be placed on public property. (Ward 1) [04/27/11 @10:06 AM]

**PUBLIC FACILITIES APPROVED 7-0**

**THE CHAIR ASKED FOR A SUSPENSION OF THE RULES TO ALLOW HER TO POLL HER COMMITTEE TO ADD AN EMERGENCY PREAMBLE TO THIS ITEM WHICH WAS APPROVED BY VOICE VOTE**

**PUBLIC FACILITIES APPROVED THE ADDITION OF AN EMERGENCY PREAMBLE.**

Re-appointment by His Honor the Mayor

#159-11 EDMUND WHITE, 79 Cleveland Street, West Newton re-appointed as a member of the DESIGNER SELECTION COMMITTEE for a term of office to expire on December 31, 2013. (60 days 7/19/11) [05/10/11 @ 3:05 PM]  
**PUBLIC FACILITIES APPROVED 7-0**

Re-appointment by His Honor the Mayor

#160-11 ARTHUR COHEN, 79 Warren Street, Newton Centre re-appointed as a member of the DESIGN REVIEW COMMITTEE for a term of office to expire on December 31, 2013. (60 days 7/19/11) [05/10/11 @ 3:05 PM]  
**PUBLIC FACILITIES APPROVED 7-0**

**REFERRED TO REAL PROPERTY REUSE COMMITTEE**

Tuesday, May 24, 2011

#33-11 COMMISSIONER OF PUBLIC WORKS declaring surplus for sale or lease to the owners of 145-147 Chapel Street a city-owned right-of-way located at 145-147 Chapel Street, Nonantum.  
**REAL PROPERTY APPROVED SALE 4-0 (Gentile and Baker not voting)**

**REFERRED TO COMMITTEE ON COMMUNITY PRESERVATION**

Tuesday, May 24, 2011

Appointment by His Honor the Mayor:

#121-11 MICHAEL GOLDMAN, 14 Saxon Terrace, Newton Highlands, appointed to the Newton Farm Commission for a term of office to expire on July 31, 2014. [04/11/11 @5:27PM] (60 days to expire on June 19, 2011).  
**COMMITTEE ON COMMUNITY PRESERVATION APPROVED 6-0**

Re-appointment by His Honor the Mayor

#154-11 JAMES HARPER, 59 Westminster Road, Newton Centre, re-appointed as a member of the NEWTON FARM COMMISSION for a term to expire July 31, 2013 (60 days 7/19/11). [05-02-11 @4:26 PM]  
**COMMITTEE ON COMMUNITY PRESERVATION APPROVED 6-0**

Re-appointment by His Honor the Mayor

#155-11 PETER LEWENBERG, 47 Mary Ellen Road, Waban, re-appointed as a member of the NEWTON FARM COMMISSION for a term to expire July 31, 2014 (60 days 7/19/11). [05-02-11 @4:26 PM]  
**COMMITTEE ON COMMUNITY PRESERVATION APPROVED 6-0**

**REFERRED TO RE-PRECINCTING COMMITTEE**

Monday, May 16, 2011

#147-11 Alderman Baker, on behalf the Re-Precincting Committee, recommending (1) discussion and (2) adoption of a proposed revision to the Ward and Precinct lines for the City to respond to the recent federal census and growth of population, both within the city and within the eight wards.

**RE-PRECINCTING APPROVED 7-0**

**THE CHAIR OF THE PUBLIC FACILITIES COMMITTEE REQUESTED A SUSPENSION OF THE RULES TO ACCEPT TO THE DOCKET AND REFER THE FOLLOWING TWO LATE FILED ITEMS WHICH WAS APPROVED BY VOICE VOTE**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

#367-10(2) DESIGN REVIEW COMMITTEE in accordance with §5-58 of the City of Newton Ordinances petitioning for site plan approval for the installation of two (2) modular classrooms with associated connectors at Zervas Elementary School, one (1) modular classroom with associated connectors at Burr Elementary School and one (1) modular classroom with associated connectors at Horace Mann Elementary School. [06/02/11 @ 5:16 PM]

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

#194-11 HIS HONOR THE MAYOR appointing DAVID TUROCY as Commissioner of Public Works, effective June 6, 2011, pursuant to §3-3 of the City Charter. (30 days 07/06/11) [06/03/10 @ 1:32 PM]

**THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 2 NAYS (Ald. Gentile & Linsky), 2 ABSENT (Ald. Albright & Lennon) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEM:**

**REFERRED TO REAL PROPERTY REUSE COMMITTEE**

Tuesday, May 24, 2011

#90-11 BOARD OF LIBRARY TRUSTEES declaring the former Boys & Girls Library and attendant land located at 126 Vernon Street, Newton Corner, surplus, and recommending that the building and land be transferred to the Parks & Recreation Department.

**REAL PROPERTY APPROVED 4-1-1 (Gentile opposed; Linsky abstaining)**

**PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:*****Public Hearing assigned for June 21, 2011:***

#161-11 W/S DEVELOPMENT ASSOCIATES LLC petition for a CHANGE of ZONE from BUSINESS 1 to BUSINESS 4 for land shown as a cross-hatched area on a plan entitled "Plan of Zoning Change Chestnut Hill Shopping Center, Newton Mass.", by Feldman Land Surveyors, dated May 23, 2011 and known as Sec 63, Blk 37, Lots 18A, 22, 25, 26, and 27, containing ≈20 acres of land at 1-55 BOYLSTON STREET, Ward 7, Chestnut Hill.

***Public Hearing assigned for June 21, 2011:***

#161-11(2) W/S DEVELOPMENT ASSOCIATES LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND a NONCONFORMING USE/STRUCTURE to replace an existing 1-story retail portion of a building at 33 BOYLSTON STREET, Ward 7, Chestnut Hill, with a 3-story building and related site improvements including sidewalks, landscaping and parking; allowance for restaurants greater than 50 seats; parking and coordinated improvements to the Frontage Road/Carriage Way contiguous to the site for sidewalk, crosswalk, parking, lighting, access, and landscaping improvements, on land known as Sec 63, Blk 37, Lots 18A, 22, 25, 26, and 27, containing ≈20 acres of land in proposed BUSINESS 4 district. Ref: 30-11(c), 30-11(d)(9), 30-11(d)(12), 30-11(j), 30-11(k); 30-15 Table 3; 30-19(c)(2), 30-19(c)(3), 30-19(d)(18), 30-19(f), 30-19(h), 30-19(i), 30-19(j), 30-19(l), 30-19(m); 30-20(f), 30-20(l); 30-21(a)(2), 30-21(b); 30-23, 30-24, of the City of Newton Rev Zoning Ord, 2007.

***Public Hearing assigned for June 21, 2011:***

#161-11(3) CHESTHILL SHOPPING CENTER LLC petition for a CHANGE of ZONE from PUBLIC USE to BUSINESS 4 for land containing ≈1.72 acres of land, located in Ward 7 in Chestnut Hill, shown as Parcels A and B on a plan entitled "Zoning Change Chestnut Hill Shopping Center, Newton, Mass" by Feldman Land Surveyors, dated May 23, 2011.

***Public Hearing assigned for June 21, 2011:***

#161-11(4) CHESTHILL SHOPPING CENTER LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for improvements to sidewalks and to Frontage Road/Carriage Way landscaping, parking layout, lighting and access for the Frontage Road/Carriage Way, a portion of Boylston Street along the frontage of the Chestnut Hill Shopping Center, on land shown as Parcels A and B on "Plan of Zoning Change Chestnut Hill Shopping Center, Newton, Mass." by Feldman Land Surveyors dated May 23, 2011 in a proposed BUSINESS 4 district. Ref: Sec 30-19(m), 30-23, and 30-24 of the City of Newton Rev Zoning Ord, 2007.

***Public Hearing assigned for June 22, 2011***

#171-11      NATIONAL GRID petitioning for a grant of location to install and maintain 70' ± of 6" gas main in CYNTHIA ROAD from the existing 6" gas main at 49 Cynthia Road southerly to 51 Cynthia Road. (Ward 8) [05/24/11 @12:01]

***Public Hearing assigned for June 22, 2011***

#367-10(2)      DESIGN REVIEW COMMITTEE in accordance with §5-58 of the City of Newton Ordinances petitioning for site plan approval for the installation of two (2) modular classrooms with associated connectors at Zervas Elementary School, one (1) modular classroom with associated connectors at Burr Elementary School and one (1) modular classroom with associated connectors at Horace Mann Elementary School. [06/02/11 @ 5:16 PM]