

REPORTS DOCKET

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July 11, 2011
Newton City Hall
To be reported on
Monday, August 8, 2011

CITY OF NEWTON

IN BOARD OF ALDERMEN

REFERRED TO LAND USE COMMITTEE

Tuesday, July 12, 2011

Present: Ald. Fischman (Acting Chairman), Ald. Crossley, Schnipper, Merrill, Blazar, Harney, and Albright; absent: Ald. Hess-Mahan

Public hearings were opened and closed on the following items:

#195-11 **VIKRAM NARASIMHAN & MARY V. DOYLE** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE by adding an addition of approximately 1300 square feet to the rear of an existing single-family residence at 343 OTIS STREET, Ward 3, West Newton, on land known as SBL 32, 3, 14, containing approximately 18,630 sq ft of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

HEARING CLOSED; ITEM APPROVED 7-0

#196-11 **STEVEN & ANDREA FEIN** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND A NONCONFORMING STRUCTURE for a garage greater than 700 square feet (approximately 1,110 square feet), extending a structure nonconforming with regard to lot coverage, at 40 LENOX STREET, Ward 2, West Newton, on land known as SBL 32 50 2, containing approximately 15,000 sq ft in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(m)(5)b) and c) of the City of Newton Rev Zoning Ord, 2007.

HEARING CLOSED; ITEM APPROVED 6-0-1 (Crossley abstaining)

REFERRED TO LAND USE COMMITTEE

Tuesday, July 19, 2011

Present: Ald. Hess-Mahan (Chairman), Ald. Fischman, Crossley, Schnipper, Albright, Harney, Blazar, and Merrill; also present: Ald. Fuller, Gentile, Lappin, and Baker

- #80-11 ERROL R. NORWITZ petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an addition and a raised rear deck, increasing the non-conforming FAR from .4196 to .468, at 68 DAY STREET, Auburndale, Ward 4, on land known as SBL 43, 45, 13, containing approx. 8,030 square feet of land in a district zoned Single Residence 3. Ref: Sec 30-24, 30-23, 30-15 Table 1
APPROVED 8-0
- #7-11 CHARLES RIVER COUNTRY CLUB, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND A NON CONFORMING USE to create a short game practice area in a currently unimproved portion of an existing golf course (no buildings or structures are involved) at 483 DEDHAM STREET, Ward 8, on land known as SBL 83, 36, 4, containing ≈6,446,022 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)a) of the City of Newton Rev Ord, 2007, and special permit board order #261-96.
DENIED 5-3 (Hess-Mahan, Albright, and Crossley opposed)
- #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.
APPROVED 7-0 (Merrill not voting)
- #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: 30-11I, 30-11(d)(9), 30-11(d)(12), 30-11(j), 30-11(k); 30-15 Table 3; 30-19I(2), 30-19I(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.
APPROVED 6-0-1 (Fischman abstaining; Merrill not voting)

#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.

APPROVED 7-0 (Merrill not voting)

#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.

APPROVED 7-0 (Merrill not voting)

#161-11(5) **REQUEST TO WITHDRAW WITHOUT PREJUDICE** the request in special permit petition #161-11(2) to waive the *number* of additional parking stalls (590) required at 33 BOYLSTON STREET, Ward 7, Chestnut Hill.

APPROVED 7-0

REFERRED TO ZONING AND PLANNING COMMITTEE

Tuesday June 12, 2011

Present: Ald. Johnson (Chairman), Swiston, Sangiolo, Yates, Shapiro, Lennon, Baker; Absent: Ald. Lappin; Also present: Ald. Harney

Appointment by His Honor the Mayor

#164-11(2) ROBERT UNSWORTH, 34 Bradford Road, Newton Highlands, appointed as an alternate member of the Conservation Commission for a term to expire June 30, 2013 [07/01/11 @ 3:13pm]

APPROVED 6-0-1 (Baker abstaining)

#26-11 HIS HONOR THE MAYOR submitting in accordance with Section 7-2 of The City Charter an amendment to the 2007 Newton Comprehensive Plan to include a Mixed Use Centers Element [01-07-11 @ 4:20 PM] (Planning Board report submitted April 5, 2011).

HELD 7-0

REFERRED TO FINANCE COMMITTEE

Monday, August 1, 2011

Present: Ald. Gentile (Chairman), Ciccone, Linsky, Salvucci, Rice, Danberg, Fuller, and Freedman; also present: Ald. Merrill, Crossley, and Fischman

#206-11 **HIS HONOR THE MAYOR** requesting a transfer from the Wage Reserve Account set aside in the Executive Department's FY12 Budget and various health benefit accounts to various departmental payroll accounts for the purpose of funding the costs associated with compensation and health care plan design changes for Hay Grade employees. [07-05-11 @ 2:55 PM]
APPROVED 7-0 (Linsky not voting)

#207-11 **HIS HONOR THE MAYOR** requesting a transfer from departmental payroll and health benefit accounts to various departmental payroll accounts in order to fund the cost items set forth in the labor contract agreement with the Newton Municipal Employee's Association (NMEA) for FY12 through FY14. [07-05-11 @ 2:55 PM]
APPROVED 7-0 (Linsky not voting)

#208-11 **HIS HONOR THE MAYOR** requesting a transfer from departmental payroll and health benefit accounts to various departmental payroll accounts in order to fund the cost items set forth in the labor contract agreement with the Newton Police Association (NPA) for FY12 through FY14. [07-05-11 @ 2:55 PM]
APPROVED 6-0-1 (Fuller abstaining, Linsky not voting)

REFERRED TO COMMITTEES ON COMMUNITY PRESERVATION & FINANCE

#103-11 **COMMUNITY PRESERVATION COMMITTEE** recommending that \$1,103,500 be appropriated from the fiscal 2011 housing & general reserves of the Community Preservation Fund to the control of the Director of Planning & Development, for a grant to create 4 units of affordable ownership housing in a mixed-income development at 112-116 Dedham Street, as detailed in the Committee's funding recommendation to the Board of Aldermen. [03-21-11 @ 8:48AM]
COMMITTEE ON COMMUNITY PRESERVATION APPROVAL FAILED TO CARRY 2-2-1 (Lappin and Yates opposed; Blazar abstaining) on 06-28-11
MOTION TO APPROVE FAILED TO CARRY 1-5-2 (Fuller voting in the affirmative; Ciccone, Salvucci, Gentile, Rice, Freedman opposed; Linsky and Danberg abstaining)

Clerk's Note: On August 3, 2011, the Community Preservation Committee submitted a letter asking the Board of Aldermen to vote No Action Necessary on this item as the applicant had withdrawn the request for CPC funding.

REFERRED TO COMM. ON COMMUNITY PRES AND FINANCE COMMITTEES

- #192-11 COMMUNITY PRESERVATION COMMITTEE recommending that \$4,000 be appropriated from the open space reserves of the Community Preservation Fund to the control of the Planning and Development Department, for consulting services to speed completion of Newton's next 5-year *Open Space and Recreation Plan*, as detailed in the CPC's funding recommendation to the Board of Aldermen. [05-26-11 @ 11:39AM]
COMMITTEE ON COMMUNITY PRESERVATION APPROVED 5-0 on 06-28-11
APPROVED 7-0 (Danberg not voting)

- #214-10(5) HIS HONOR THE MAYOR requesting the approval of the Economic Development Proposal for the Chestnut Hill Square Project and authorization of the final joint City of Newton and New England Development Corporation application for funding through the Infrastructure Investment Incentive Program (I-Cubed) of the Economic Development Proposal once the developer has received preliminary approval and settled all outstanding issues. [06/13/11 @ 6:05 PM]
HELD 8-0

REFERRED TO POST AUDIT & OVERSIGHT COMMITTEE REPORT

Tuesday, July 26, 2011

Present: Ald. Swiston (Chair), Sangiolo, Rice and Shapiro; absent: Ald. Lennon, Schnipper, Johnson and Freedman; also present: Ald. Yates

REFERRED TO POST AUDIT by ZONING & PLANNING COMMITTEE on 04/25/11

- #114-10 ALD. YATES AND RICE requesting reports from the Conservation Commission and Board of Survey on compliance with condition of permits given to allow the development of the Laura Road subdivision. [04/07/10 @ 10:59 PM]
NO ACTION NECESSARY 4-0

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Trisha Guditz, 617-796-1156, via email at TGuditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.