

CITY OF NEWTON
IN BOARD OF ALDERMEN
BOARD ACTIONS

Tuesday, September 8, 2009

Present: Ald. Albright, Brandel, Ciccone, Coletti, Danberg, Fischman, Freedman, Gentile, Harney, Hess-Mahan, Johnson, Lappin, Lennon, Linsky, Mansfield, Merrill, Salvucci, Schnipper, Swiston, Vance , Yates and Baker.

Absent: Ald. Parker & Sangiolo

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#179-09 **HIS HONOR THE MAYOR** requesting to appropriate and expend from bonded indebtedness the sum of four hundred five thousand dollars (\$405,000) to Department of Public Buildings for the purpose of replacing two underground fuel tanks at the Crafts Street DPW yard. [06-09-09 @ 5:08 PM]

PUBLIC FACILITIES APPROVED 4-0 on 07-08-09

Note: A letter from His Honor the Mayor was received on 07/16/09 requesting to amend this appropriation from bond authorization to the Department of Public Buildings from \$405,000 to \$453,000.

APPROVED AS AMENDED @ \$310,000 5-2 (Gentile and Parker opposed; Johnson not voting), SUBJECT TO 2ND CALL.

Motion to suspend rules to allow Chair of Public Facilities to poll committee Approved by Voice Vote.

Public Facilities Approved (A) \$310,000 and held (B) \$143,000 7-1

**MOTION TO APPROVE (A) \$310,000 FAILED TO CARRY
11 YEAS, 10 NAYS (Ald. Brandel, Freedman, Gentile, Harney,
Johnson, Linsky, Mansfield, Parker, Sangiolo, Swiston), 3 ABSENT
(Ald. Lappin, Merrill, Vance)**

Clerk's Note: A 2/3rds vote is needed to approve a bond request.

**A MOTION TO RECONSIDER WAS FILED BY ALD. LINSKY ON
AUGUST 11 @ 5:19 PM**

MOTION TO RECONSIDER APPROVED BY VOICE VOTE

**MOTION TO RECOMMIT TO PUBLIC FACILITIES AND
FINANCE APPROVED BY VOICE VOTE**

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 2 NAYS (ALD. FISCHMAN, VANCE), 2 ABSENT (ALD. PARKER, SANGIOLO) TO ACCEPT ITS COMMITTEES' RECOMMENDATION ON THE FOLLOWING ITEM:

- #197-09 **Motion to Suspend the Rules to Allow Public Safety to Report this item without a written report was Approved by Voice Vote**
ALD. COLETTI, GENTILE, SALVUCCI, CICCONE, LINKSY & DANBERG proposing a RESOLUTION that His Honor the Mayor as requested by the Newton Firefighters Executive Board by a vote on 7/7/09 respectfully delay for six months the decision to sign a 3-year contract for ambulance services to allow the Newton Firefighters Association the time needed to investigate the feasibility and prepare a proposal for the Newton Fire Department to provide emergency services to the City. [07/10/09@ 9:21 AM]
PUBLIC SAFETY COMMITTEE APPROVED 6-2 on 09-08-09

PUBLIC HEARINGS WERE ASSIGNED FOR THE FOLLOWING ITEMS:

Public Hearing assigned for October 6, 2009:

- #242-09 PANERA, LLC/LINEAR RETAIL NEWTON #1, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION of a NONCONFORMING STRUCTURE for a restaurant in excess of 50 seats and a parking waiver of 25 spaces at 1239-1243 CENTRE STREET, Ward 6, NEWTON CENTRE, on land known as Sec 64, Blk 28, Lots 21 and 24, containing approximately 11,860 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(m), 30-11(d)(9) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing assigned for October 6, 2009:

- #243-09 RIVERSIDE PROJECT, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to convert a portion of interior space to a health club or like establishment with a parking waiver of 73 spaces at 275 GROVE STREET, Ward 4, AUBURNDALE, on land known as Sec 43, Blk 29, Lot 24, containing approx 487,578 sf of land in a district zoned BUSINESS 4. Ref: Sec 30-24, 30-23, 30-19(d(2)1), 30-19(m), of the City of Newton Rev Zoning Ord, 2007 and special permit #40-97(2).

Public Hearing assigned for October 6, 2009:

- #244-09 S. R. WEINER ASSOCIATES INC./CHESTNUT HILL SHOPPING CENTER, LLC/C&R REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NONCONFORMING USE for a restaurant in excess of 50 seats; to increase the number of seats in two existing legal nonconforming restaurants currently having in excess of 50 seats; to convert a portion of

retail space in the new Star Market from retail to three restaurants with an associated waiver of 109 parking spaces at 1-27; 33-35 BOYLSTON STREET, Ward 7, CHESTNUT HILL, on land known as Sec 63, Blk 37, Lot 25, 26, 27, 18A, containing approx 767,306 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-11(d)(19), 30-19(d), 30-19M) of the City of Newton Rev Zoning Ord, 2007 and Special Permit nos. 401-03, 317-03, 317-03(6).

Public Hearing assigned for October 6, 2009:

#245-09 SEAN & CINDY ROCHE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION of NONCONFORMING STRUCTURE to demolish an existing one-story sunroom and replace it with a two-story addition at 42 DANIEL STREET, Ward 6, NEWTON CENTRE, on land known as Sec 62, Blk 25, Lot 7, containing approx 5,330 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(a)(2)(b), 30-21(b), and 30-15 Table 1.

Public Hearing assigned for October 6, 2009:

#246-09 DOWN UNDER YOGA, LLC/J. ROBERT CASEY, TRUSTEE OF NEWTONVILLE AVENUE REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a parking waiver of 8 stalls in order to locate a yoga studio at 304-306 WALNUT STREET, Ward 2, NEWTONVILLE, on land known as Sec 22, Blk 5, Lot 33, zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing assigned for October 6, 2009:

#247-09 RICHARD SEVERINI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing single-family dwelling and construct a new single-family dwelling, increasing the FAR from .411 to .426, and to construct a retaining wall greater than 4 feet within the front setback at 23 HOWE ROAD, Ward 8, NEWTON CENTRE on land known as Sec 81, Blk 11A, Lot 37, containing approx 6,591 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table 1, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.

Public Hearing reassigned from September 28, 2009 to September 30, 2009:

#207-09(2) ALD. GENTILE, JOHNSON, LENNON, SALVUCCI AND SANGIOLO requesting a public hearing on docket item #207-09, a proposal to increase the meals tax by .075% in Newton. [07/24/09 @ 9:14 AM]