

## REPORTS DOCKET

March 3: Land Use Continued  
March 4: Programs & Services; Public Safety & Transportation Page 313  
March 9: Finance; Zoning & Planning Monday, March 2, 2015  
March 10: Land Use 7:45 PM, Newton City Hall  
To be reported on  
**MONDAY, MARCH 16, 2015**

### CITY OF NEWTON

#### IN BOARD OF ALDERMEN

#### REFERRED TO LAND USE COMMITTEE

Tuesday, March 3, 2015

Present: Ald. Laredo (Chairman), Ald. Cote, Crossley, Albright, Lipof, Schwartz, Lennon, Harney

*A public hearing was opened on the following item:*

#19-15 NEWTON TECHNOLOGY PARK, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to partially demolish two buildings and to construct additions to the front of each building, which will bring them closer to the street, to reconfigure the existing parking areas and reduce the parking requirement to 441 parking stalls in order to redevelop the site for a mix of restaurant, retail, and service uses at 131-181 NEEDHAM STREET, Ward 5, on land known as SBLs 51-28-15, 51-28-14, 51-28-13, 51-28-12, 51-28-11, 51-21-10, 51-28-9A, containing approximately 11.06 acres of land in a district zoned MIXED USE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-20(l), 30-19(j)(1), 30-19(i)(l), 30-19(h)(4)b), 30-19(h)(3)a), 30-19(h)(1), 30-19(m), 30-19(d)(18), 30-13(b)(16), 30-13(b)(12), 30-13(b)(5), 30-13(b)(4), 30-13(b)(1) of the City of Newton Rev Zoning Ord, 2012.

#### **HEARING CONTINUED TO DATE TO BE DETERMINED**

*A public hearing was opened and continued on February 10, 2015:*

#18-15 LAURA KAY HUGHES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE to construct a two-story addition to the rear of an existing 2½-story single-family dwelling, to demolish an existing detached garage and build a new two-stall detached garage with storage above, which will increase the Floor Area Ratio from .31 to .57, where .40 is the maximum allowed by right, and for a front porch addition, which will encroach into the existing nonconforming setback, at 17 CUSHING STREET, Ward 6, Newton Highlands, on land known as SBL 52, 27, 10, containing approximately 8,640 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table A, 30-15(u)(2), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2012.

#### **HEARING CLOSED; APPROVED 6-1 (Lipof opposed)**

*A public hearing was opened and continued on December 9, 2014; continued on February 10, 2015:*

- #272-09(4) HERRICK ROAD REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to erect at 39 HERRICK ROAD, Ward 6, NEWTON CENTRE a 3-story mixed-use building containing 4 dwelling units and ground floor commercial space with a restaurant, with underground parking and associated parking waivers unit; to allow off-street parking facilities to be located on a separate lot; waive 9 parking spaces; waive 3 bicycle parking spaces; allow frontage to be measured along a public footway) and to construct a retaining wall greater than 4 feet within the rear/side setbacks and waive 18 existing parking spaces on Lot 7 Herrick Road, Ward 6, Newton Centre, on land known as Sec 61, Blk 35, Lots 6 and 7, in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-19(d)(2), (8), (9), 30-19(f)(1), (2), 30-19(k), 30-19(m), 30-15(b)(2), 30-15 Table 3, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.  
**HEARING CLOSED; HELD**

*A public hearing was opened and continued on December 9; continued on February 3, 2015:*

- #360-14 112 NEEDHAM STREET, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION of a NONCOMFORMING STRUCTURE to demolish an existing single-story commercial building and construct a new two and one-half story commercial building approximately 29' in height with a parking facility including waivers from front and side setbacks and lot area requirements; the number of parking stalls; end stall maneuvering space; width requirement of exit and entrance driveways; and off-street loading requirement and Floor Area Ratio up to 1.5 at 112 NEEDHAM STREET, Ward 8, NEWTON UPPER FALLS, on land known as SBL 83, 12, 7, containing approximately 7,500 sf of land in a district zoned MIXED USE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 3, 30-19(d)(11), (15), and (m), 30-19(h)(2)e, 30-19(l), and Table of off-street loading requirements of the City of Newton Rev Zoning Ord, 2012. *Hearing opened and continued on December 9; additional relief requested.*  
**HEARING CLOSED; APPROVED 8-0**

*A public hearing was opened and continued on November 18, 2014; continued on February 10, 2015:*

- #362-14 SEPHARDIC CONGREGATION OF NEWTON, INC./EDMUND I. SHAMSI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive 26 parking stalls and associated dimensional requirements for an orthodox synagogue at 556 WARD STREET, Ward 2, NEWTON CENTRE, on land known as SBL 13, 32, 2, containing approximately 12,142 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-19(d)(13) and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.  
**HEARING CLOSED; APPROVED 8-0**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, March 10, 2015

Present: Ald. Laredo (Chairman), Ald. Lennon, Cote, Crossley, Lipof, Albright, Schwartz, and Harney; also present: Ald. Sangiolo, Gentile, and Brousal-Glaser  
 Planning Board members present: Scott Wolf (Chairman), Jonathan Yeo, John Gelcich, and James Freas

*A public hearing in conjunction with the Planning & Development Board was opened and continued on February 10 on the following petition:*

#480-14        STEPHEN VONA petition to rezone 283 MELROSE STREET, also known as Section 41, Block 14, Lot 10, from MULTI RESIDENCE 1 to a MIXED USE 4 DISTRICT.

*A public hearing was opened and continued on February 10, 2015:*

#480-14(2)    STEPHEN VONA petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to restore and expand an existing structure known as the Turtle Lane Playhouse to provide a mix of uses including preserving the theater use, adding a street-level restaurant with office space above, and constructing a separate 23-unit multi-family structure with a below grade parking garage for 30 cars at 283 MELROSE STREET, Ward 4, Auburndale, on land known as SBL 41, 14, 10 containing approximately 43,783 sf of land [currently zoned MULTI RESIDENCE 1] in a proposed MIXED USE 4 DISTRICT. Ref: Sec 30-24, 30-23, 30-13(h)(2) Table B, 30-13(j)(1),(2),(3), 30-15(w)(1) and (4)(a) and (b), (6)(b), 30-5(b)(4), 30-19(d)(2), (11), (13), (18), 30-19(k), and (m) of the City of Newton Rev Zoning Ord, 2012.

**HEARINGS CONTINUED TO DATE TO BE DETERMINED**

*A public hearing was opened on December 9, 2014 and continued to February 10, 2015 and closed on March 3:*

#272-09(4)    HERRICK ROAD REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to erect at 39 HERRICK ROAD, Ward 6, NEWTON CENTRE a 3-story mixed-use building containing 4 dwelling units and ground floor commercial space ~~with a restaurant~~, with underground parking and associated parking waivers unit; ~~to allow off-street parking facilities to be located on a separate lot; waive 9 parking spaces;~~ waive 3 bicycle parking spaces; allow frontage to be measured along a public footway) and to construct a retaining wall greater than 4 feet within the rear/side setbacks and waive 18 existing parking spaces on Lot 7 Herrick Road, Ward 6, Newton Centre, on land known as Sec 61, Blk 35, Lots 6 and 7, in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, ~~30-19(d)(2), (8), (9), 30-19(f)(1), (2),~~ 30-19(k), 30-19(m), 30-15(b)(2), 30-15 Table 3, 30-5(b)(4) ~~30-11(d)(9)~~ of the City of Newton Rev Zoning Ord, 2012.  
**APPROVED AS AMENDED 7-0 (Harney not voting)**

*A public hearing was opened and continued on February 10, 2015:*

#17-15 BARBARA & CHRISTIAN TALVITIE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE for an addition which added a two-car garage with two floors of living space above, which created a three story structure and increased the Floor Area Ratio from .35 to .44, and to allow two garage on one property at 1446 BEACON STREET, Ward 5, Waban, on land known as SBL 53, 14, 9, containing approximately 13,915 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 1, 30-15 Table A, 30-15(u)(2), 30-15(m)(5) of the City of Newton Rev Zoning Ord, 2012.

**HEARING CLOSED; APPROVED 7-0 (Harney not voting)**

*Public hearings were opened on the following petitions:*

#233-07(2) THOMAS D. MURPHY & MAIREAD A. MURPHY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to create an accessory apartment in an existing two-family dwelling and to create a third parking stall, which will decrease the existing nonconforming open space from 39.2% to 37.5%, where 50% is required, at 15-17 WELDON ROAD, Ward 1, on land known as SBL 12, 22, 4A, containing approximately 11,113 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-8(d)(1) and (2), 30-24, 30-23, 30-21(b), 30-15 Table 1, of the City of Newton Rev Zoning Ord, 2012, and special permit 233-07.

**HEARING CLOSED; APPROVED 7-0 (Harney not voting)**

#37-15 KARL SVARTSJROM, JR. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE /USE to demolish an existing rear porch in order to construct a two-story addition to the rear of an existing single-family dwelling at 49 CRAFTS STREET, Ward 1, on land known as SBL 14, 20, 3, containing approximately 6,416 sq. ft. 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.

**HEARING CLOSED; APPROVED 7-0 (Harney not voting)**

#41-15 JUAN & KIRSTEN M. SMALL petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE in order to construct a second-story addition upon the existing footprint of an existing single-family dwelling, which will increase the Floor Area Ratio from .49 to .53, where .41 is the maximum allowed by right, at 85 ERIE AVENUE, Ward 6, Newton Highlands, on land known as SBL 52, 42, 19, containing approximately 9,100 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-15(u)(2), and 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

**HEARING CLOSED; APPROVED 7-0 (Harney not voting)**

#40-15 CURTIS P. O'HARA, JOHN O'HARA & KARL J. O'HARA, TRUSTEES of the BB&G REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE/USE to construct additions to the northeast side and to the rear of an existing restaurant, which will increase the existing nonconforming Floor Area Ratio and front and side setbacks, to increase the seating from 116 seats to 146 seats, and to waive 11 parking stalls at 95-97 ELM STREET, Ward 3, West Newton, on land known as SBL 33, 13, 11, containing approximately 3,506 sq. ft. of land in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-11(d)(9), 30-15 Table 3, 30-19(c)(2)a), 30-19(d)(13), 30-19(m), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.  
**HEARING CONTINUED TO DATE TO BE DETERMINED**

**REFERRED TO ZONING & PLANNING COMMITTEE**

Monday, March 9, 2015

Present: Ald. Johnson (Chairman), Yates, Danberg, Hess-Mahan, Sangiolo, Baker and Leary  
Absent: Ald. Kalis; also present: Ald. Albright and Crossley

#448-14 ALD. SANGIOLO requesting a discussion with the Newton Historical Commission regarding their process and policy of reviewing demolition applications. [11/13/14 @ 2:03pm]  
**NO ACTION NECESSARY 7-0**

#265-14 ALD. BLAZAR, YATES AND DANBERG requesting:

1. to amend Section 22-50 to increase the time period for determinations of historical significance to 30 days, and to increase the time period for hearings, rulings and written notice on appeals from historical significance determinations to 60 days;
2. to amend Section 22-50 to increase the time period to hold a public hearing as to whether or not a historically significant building or structure is preferably preserved to 60 days;
3. to amend Section 22-50 to increase the demolition delay period for buildings and structures on or eligible for listing in the National Register of Historic Places to 30 months;
4. and to amend Section 22-50 to increase the demolition delay period for all other preferably preserved buildings or structures to 24 months.

[07/07/14 @ 12:35PM]

**HELD 7-0**

#23-15 ACTING DIRECTOR OF PLANNING & DEVELOPMENT requesting amendments to the official zoning map in order to correct discrepancies between Board of Aldermen actions and the boundaries of zoning districts as shown on the map and to better align zoning district boundaries with property lines and other features to reduce the number of split lots and other map anomalies. [01/09/15 @ 10:09AM]  
**HELD 7-0**

#376-14 PLANNING & DEVELOPMENT DEPARTMENT requesting that **Chapter 30 ZONING** be deleted in its entirety and replaced with the Zoning Reform Phase 1 Zoning Ordinance. [10/22/14 @ 7:48PM]  
**HELD 7-0**

#80-13 THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project. [02/25/13 @ 12:31 PM]  
**HELD 7-0**

**REFERRED TO PROGRAMS AND SERVICES COMMITTEE**

Wednesday, March 4, 2015

Present: Ald. Hess-Mahan (Acting Chair), Leary, Blazar, Kalis, Norton and Blazar; absent: Ald. Sangiolo and Rice; also present: Ald. Albright

#26-15 HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty-eight thousand dollars (\$28,000) from Veterans' Services Salaries to Veterans' Expenses for a 20% down payment for a quadrant of Veterans' graves at the Newton Cemetery. [01/13/15 @ 2:44 PM]  
**FINANCE APPROVED 2/17/15**  
**APPROVED 5-0 (Baker not voting)**

*Item recommitted by Board of Aldermen on February 17, 2015*

#340-14 ALD. NORTON requesting to amend the City of Newton Charter to ~~also include the term "Alderwoman" in text that refers to individuals who serve on the Board of Aldermen as "Aldermen"~~ replace the term "Board of Aldermen" with "City Council" and replace the term "Alderman" with "Councillor". [09/08/14 @4:10PM]  
**Approved as amended 6-1-1 (Baker opposed; Blazar abstaining) on December 4, 2014**  
**APPROVED AS AMENDED 5-0-1 (Baker abstaining) to include changing all male pronouns to also include female pronouns; change "committeemen/man" to "committee members/member"; and change "chairman" to "chair"**

*Public hearing opened February 4, 2015:*

#9-15 SRDJAN S. NEDELJKOVIC et al. petitioning the Board of Aldermen to expand the area represented by the Newton Highlands Neighborhood Area Council to include areas immediately contiguous with the existing service area of the Council pursuant to Article 9, Section 9-4, of the City of Newton Charter.  
**HEARING CONTINUED; HELD 6-0**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, March 4, 2015

Present: Ald. Ciccone (Chair), Yates, Cote, Fuller, Lipof, Schwartz and Johnson; absent: Ald. Harney; also present: Ald. Baker, Albright and Leary

#213-14(A)(2) **BOSTON COACH TRANSPORTATION**, requesting an amendment to board order #213-14(A) of the Boston College Shuttle Bus License, which includes a request and approval to provide shuttle bus service to The Street, Chestnut Hill Mall and Chestnut Hill Square. [11/25/14 @ 3:46 PM]

**APPROVED 7-0**

#309-14 **ALD. JOHNSON** requesting a discussion re changes that may need to be made to the membership of the Traffic Council to make it more effective, efficient, and representative of the community. [07/28/14 @ 9:20 AM]

**HELD 7-0**

#150-13 **ALD. JOHNSON, ALBRIGHT & LINSKY**, requesting the Planning Department create a traffic and parking management plan for the Education Center, Day Middle School, Horace Mann Elementary School and Carr School neighborhood area by December 2013. (Wards 1 & 2) [03/29/13 @ 9:11 AM]

**HELD 7-0**

#326-14 **ALD. ALBRIGHT**, requesting a discussion and a plan to replace all Newton parking meters within two years. [08/19/14 @ 9:16 AM]

**HELD 7-0**

**REFERRED TO FINANCE COMMITTEE**

Monday, March 9, 2015

Present: Ald. Gentile (Chairman), Norton, Brousal-Glaser, Rice, Blazar, Fuller, and Lappin; absent: Ald. Ciccone; also present: Ald. Baker, Crossley, and Laredo

*Appointment by His Honor the Mayor*

#49-15 **SARAH ECKER**, 68 Prospect Park, Newtonville appointed as a member of the OTHER POST-EMPLOYMENT BENEFITS TRUST FUND for a term to expire March 31, 2018 (60 days 05/02/15).

**APPROVED 5-0 (Norton and Rice not voting)**

#51-15 **HIS HONOR THE MAYOR** requesting authorization to transfer the sum of fifteen thousand dollars (\$15,000) to the City Clerk's Advertising/Publication Account from the following City Clerk accounts:

Seasonal Wages .....	\$10,000
Voting Machine Supplies.....	\$5,000

**APPROVED 7-0**

- #54-15 COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of twenty thousand dollars (\$20,000) from the Community Preservation Fund to the City Clerk, to create a strategic plan for the long-term preservation, storage and use of archival and historic records held by all City departments, as described in the proposal submitted in November 2013.  
[02/17/15 @ 8:57 AM]  
**APPROVED 7-0**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #15-15 COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of nine hundred eighty thousand dollars (\$980,000) from the Community Preservation Fund's general fund balance and reserve to the Parks and Recreation Department for the Waban Hill Reservoir at Manet Road and Reservoir Drive in Chestnut Hill, including: real property acquisition; a grant to the Newton Conservators for monitoring and enforcing a conservation restriction; initial dam safety compliance, public safety and accessibility improvements; and a master plan, as described in the proposal submitted November 13, 2013.  
[12/22/14 @ 8:57 AM]  
**PROGRAMS & SERVICES APPROVED 7-0-1 (Hess-Mahan abstaining) on 02/04/15**  
**APPROVED 6-0-1 (Brousal-Glaser abstaining)**
- #33-15 HIS HONOR THE MAYOR requesting authorization to expend nine thousand four hundred twenty-three dollars (\$9,423) in additional grant funding received as part of the Massachusetts Municipal Public Safety Staffing Grant. [01/26/15 @ 1:03 PM]  
**APPROVED 7-0**
- #53-15 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two thousand two hundred thirty dollars (\$2,230) from ISD Fines Receipt Reserved for Appropriation to ISD expenses for the purpose of hiring a land surveyor and the purchase of enforcement tickets. [02/23/15 @ 4:55 PM]  
**APPROVED 7-0**
- #52-15 HIS HONOR THE MAYOR requesting authorization to transfer the sum of ten thousand dollars (\$10,000) from the Liability Self Insurance Fund to the Judgment and Settlements Account to cover the settlement of a claim against the City of Newton regarding an automobile accident involving a city vehicle.  
02/23/2015 @ 4:55 PM]  
**APPROVED 7-0**

#50-15 HIS HONOR THE MAYOR requesting authorization to appropriate eleven thousand five hundred fifty dollars (\$11,550) from the Energy Stabilization Fund to obtain an Energy solar Consultant to assist the City in developing solar projects on the landfill and several other locations on City properties. [02/23/15 @ 4:55 PM]

**HELD 7-0**

#34-15 HIS HONOR THE MAYOR requesting authorization to accept and expend one million one hundred sixty-three thousand sixty-two dollars (\$1,163,062) received from the Massachusetts Department of Transportation as a result of an increase in Chapter 90 funding. [01/26/15 @ 1:04 PM]

**APPROVED 7-0**

*Reappointment by His Honor the Mayor*

#56-15 MICHAEL FLYNN, 23 Thelma Road, Dorchester, re-appointed to the BOARD OF ASSESSORS for a term expiring on February 1, 2018. (60 days 05-02-15) [02-27-15 @ 3:06 PM]

**APPROVED 7-0**

#41-11(2) ALD. CICCONE requesting implementation of the fees associated with the Winter Overnight Parking Pilot Program. [09/19/13 @ 3:49 PM]

**NO ACTION NECESSARY 7-0**

---

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, please contact the Newton ADA Coordinator, John Lojek, at least two days in advance of the meeting: [jlojek@newtonma.gov](mailto:jlojek@newtonma.gov) or 617-796-1145. For Telecommunications Relay Service dial 711.