

DOCKET

May 20: Land Use
May 27: Real Property Reuse
May 28: Zoning & Planning

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Monday, May 19, 2014
7:45 PM, Newton City Hall
To be reported on
MONDAY, JUNE 2, 2014

CITY OF NEWTON

IN BOARD OF ALDERMEN

- I. Communications from His Honor the Mayor and other City Boards, Agencies, and Commissions.

REFERRED TO LAND USE COMMITTEE

#214-10(7) ALD. HESS-MAHAN, ALBRIGHT, CROSSLEY, BAKER, LAREDO, LIPOF, FULLER requesting a discussion with the Inspectional Services and Planning Departments and New England Development about the as-built condition of Chestnut Hill Square and its apparent lack of conformity with the plans and elevations as approved and conditioned by the Board of Aldermen in special permit #214-10, granted on December 6, 2010.

#212-12(2) MICHAEL SOKOLOWSKI, TRUSTEE of 1081 WASHINGTON STREET REALTY TRUST petition for ONE-YEAR EXTENSION of TIME, from December 17, 2013 to December 17, 2014 in which to EXERCISE Special Permit/Site Plan Approval #212-12, granted on December 17, 2013 for various waivers from the parking requirements of Sec. 30-19 in order to construct a new two-story building for retail use at 1081 WASHINGTON STREET, Ward 3, West Newton. Ref: Sec 30-24(c)(4) of the City of Newton Rev Zoning Ord, 2012.

Public Hearings to be assigned for June 10, 2014

#164-14 PETER SACHS for LORI BERKOWITZ & SCOTT PERMAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct an approximate 170 sf mudroom to the rear to an existing attached garage, which will increase the existing nonconforming Floor Area Ratio from .45 to .46, exceeding the .35 maximum allowed by right, at 37 FERNCROFT ROAD, Ward 5, Waban, on land known as SBL 53, 7, 15, containing approximately 12,659 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15(u)(2), 30-15 Table A, and 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

- #165-14 RICHARD D. SEWALL petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing single-family dwelling and construct two sets of two attached single-family dwellings for a total of four dwellings which includes waivers from the side-and rear-yard setback and lot coverage requirements and relief to locate a driveway within 10 feet of a side lot line at 3-5 AUBURN STREET, Ward 3, on land known as SBL 33, 6, 34, containing approximately 23,426 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(b)(5)a) and b), 30-15 Table 1, 30-15(b)(5)a) and b) of the City of Newton Rev Zoning Ord, 2012.
- #166-14 CREDERE VENTURES LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to enclose an existing carport in order to create a garage containing approximately 324 sf at 22 LENOX STREET, Ward 2, West Newton, on land known as SBL 32, 50, 5, containing approximately 9,353 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: 30-24, 30-23, 30-15 Table A, 30-15(u)(2), and 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

Public Hearing to be assigned for June 17, 2014

- #167-14 GARDEN REMEDIES/697 WASHINGTON STREET TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to operate a Registered Marijuana Dispensary and to waive two parking stalls; to allow parking in the front setback; and to exceed the allowable horizontal projection of a secondary sign at 697 WASHINGTON STREET, Ward 2, NEWTONVILLE, on land known as SBL 23, 19, 1B, containing approximately 16,669 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-36, 30-19(d)(10), 30-19(h)(1), 30-19(m), and 30-20(j)(2) of the City of Newton Rev Zoning Ord, 2012

OTHER COMMUNICATIONS

- #168-14 HIS HONOR THE MAYOR, pursuant to Section 3-2 of the City Charter, appointing DORI ZALEZNIK as CHIEF ADMINISTRATIVE OFFICER, effective April 14, 2014.
- #169-14 FORT POINT ASSOCIATES, INC. on behalf of The Allston Brighton Friends of Daly Field, Inc. filing notice that a Waterways License application has been filed with the Massachusetts Department of environmental Protection. The filing is on file in the office of the Clerk of the Board of Aldermen.
- #170-14 FESSENDEN SCHOOL filing pursuant to Sec. 30-5(a) an application for Administrative Site Plan Review to construct an addition to an existing kindergarten class area at 250 WALTHAM STREET, Ward 3.

Zoning Board of Appeals Decision, March 25, 2014:

#171-14 ZBA #3-14 RODRIGO & CHRISTINE CARVAJAL petition for variances from front-yard and rear-yard setback requirements to legalize an existing rear deck and demolish and reconstruct an existing front yard deck at 11 GANNON COURT, West Newton.
APPROVED

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Appointment by His Honor the Mayor

#172-14 ELIZA BETH, Woodcliff Road, Newton Highlands, appointed as a member of the YOUTH COMMISSION for a term to expire May 1, 2017 (60 days 7/18/14) [04/28/14 @ 4:33PM]

Appointment by His Honor the Mayor

#173-14 ALEXA LYONS, Devonshire Road, Waban, appointed as a member of the YOUTH COMMISSION for a term to expire May 1, 2017 (60 days 7/18/14) [04/28/14 @ 4:33PM]

Appointment by His Honor the Mayor

#174-14 ANTON MALIN, Howe Road, Newton Centre, appointed as a member of the YOUTH COMMISSION for a term to expire May 1, 2017 (60 days 7/18/14) [04/28/14 @ 4:33PM]

Appointment by His Honor the Mayor

#175-14 JESSICA THARAUD, Watertown Street, appointed as a member of the YOUTH COMMISSION for a term to expire May 1, 2017 (60 days 7/18/14) [04/28/14 @ 4:33PM]

Appointment by His Honor the Mayor

#176-14 JOHN KUSIAK, Ardmore Road, West Newton, appointed as a member of the YOUTH COMMISSION for a term to expire May 1, 2017 (60 days 7/18/14) [04/28/14 @ 4:33PM]

Appointment by His Honor the Mayor

#177-14 MIRA LI, Fredana Road, Waban, appointed as a member of the YOUTH COMMISSION for a term to expire May 1, 2017 (60 days 7/18/14) [04/28/14 @ 4:33PM]

Appointment by His Honor the Mayor

#178-14 SEUNGWAN KANG, Claflin Place, Newtonville, appointed as a member of the YOUTH COMMISSION for a term to expire May 1, 2017 (60 days 7/18/14) [04/28/14 @ 4:33PM]

Appointment by His Honor the Mayor

#179-14 BEN SIMON, Lake Avenue, appointed as a member of the FARM COMMISSION for a term to expire May 31, 2017. (60 days 7/18/14) [05/12/14 @ 4:41PM]

Re-appointment by His Honor the Mayor

#180-14 INDIRA DESAI, 14 Clements Road, Newton, re-appointed as a member of the ADVISORY COUNCIL OF HEALTH for a term to expire May 15, 2017. (60 days 7/18/14) [05/12/14 @ 4:41PM]

Re-appointment by His Honor the Mayor

#181-14 LUCY CALDWELL-STAIR, Woodcliff Road, Newton Highlands, re-appointed as a Trustee of the JACKSON HOMESTEAD for a term to expire February 1, 2017.(60 days 7/18/14) [05/12/14 @ 4:41PM]

Re-appointment by His Honor the Mayor

#182-14 MARIETTA MARCHITELLI, Waverley Avenue, Newton, re-appointed as a Trustee of the JACKSON HOMESTEAD for a term to expire February 1, 2017. (60 days 7/18/14) [05/12/14 @ 4:41PM]

Re-appointment by His Honor the Mayor

#183-14 RUSSEL FELDMAN, Langley Road, Newton Centre, re-appointed as a Trustee of the JACKSON HOMESTEAD for a term to expire February 1, 2017. (60 days 7/18/14) [05/12/14 @ 4:41PM]

#184-14 NEWTON ELECTION COMMISSION requesting the Board of Aldermen approve a change of polling location for Ward 2, Precinct 2 from the Cabot School to Cabot Park Village at 280 Newtonville Avenue, Newtonville. [05/12/14 @ 9:06AM]

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

#185-14 ALD. CICCONE AND FULLER, requesting a discussion with the Chief of Police regarding the Police Staffing Study Report, completed in April 2014. [05/07/14 @ 10:22 PM]

#186-14 WARD 4 ALDERMEN, appealing the Approval as Amended of TC18-14 Traffic Council Decision on April 17, 2014: Central Street between Leighton Road and Auburn Street. (Ward 4) [05/07/14 @ 9:51 PM]

#187-14 POLICE DEPARTMENT, submitting reports of semi-annual taxi license/public auto inspections for review. [05/14/14 @ 12:37 PM]

REFERRED TO PUBLIC FACILITIES COMMITTEE

- #188-14 PUBLIC FACILITIES COMMITTEE requesting periodic updates on the Cabot Elementary School Project. [04/17/14 @ 10:48 PM]
- #189-14 PUBLIC FACILITIES COMMITTEE requesting periodic updates on the Zervas Elementary School Project. [04/17/14 @ 10:48 PM]

REFERRED TO FINANCE COMMITTEE

The following item was filed after the close of the docket and requires a suspension of the Rules to be referred to Committee:

- #190-14 HIS HONOR THE MAYOR requesting authorization to expend a twenty-nine thousand seven hundred fifteen dollar (\$29,715) grant received from the Massachusetts Department of Transportation and the Metropolitan Area Planning Council for the purpose of administering a bicycle and pedestrian enforcement program. [05/13/14 @ 4:49 PM]
- #191-14 HIS HONOR THE MAYOR requesting authorization to enter into a five-year agreement for parking ticket processing services. [05/12/14 @ 4:47 PM]
- #192-14 HIS HONOR THE MAYOR requesting authorization to expend a two hundred thousand dollars (\$200,000) reimbursable grant from the “Our Common Backyards” Grant Program and authorization to transfer the sum of fifty thousand dollars (\$50,000) from Fiscal Year 2014 Budget Reserve to the Parks and Recreation Department’s budget for purpose of funding the City’s share of the Emerson Playground Project, and in addition confirm that the Emerson Playground is in the custody of the Parks and Recreation Commission and is dedicated park land pursuant to the provisions Massachusetts General Law Chapter 45, Section 3. [05/12/14 @ 4:48 PM]
- #193-14 HIS HONOR THE MAYOR requesting authorization to expend the sum of five thousand five hundred dollars (\$5,500) from the Law Department’s Judgments and Settlements Account as full and final settlement of a claim by Safety Insurance Company that was a result of a collision involving a City of Newton vehicle. [05/12/14 @ 4:48 PM]
- #194-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred nineteen thousand two hundred fifty-nine dollars and forty-six cents from Fiscal Year 2014 E-Rate Receipts – Schools to the Newton Public Schools. [05/12/14 @ 5:05 PM]

- #195-14 HIS HONOR THE MAYOR requesting establishment of a gift account to accept and expend gifts totaling as much as \$30,000 annually from donations for the purpose of offsetting the costs incurred for programming and any associated administrative expenditures within the Veteran's Services Department. [05-12-14 @ 4:47 PM]
- #138-13(2) HIS HONOR THE MAYOR requesting that Board Order #138-13 be amended by rescinding a balance of one hundred eighteen dollars (\$118) that remains authorized but unissued debt for bond authorization to renovate the Carr Elementary School.
- #195-98(2) HIS HONOR THE MAYOR requesting that Board Order #195-98 be amended by rescinding a balance of two million nine hundred ninety-five thousand seventy-two dollars and ninety-nine cents (\$2,995,072.99) that remains authorized but unissued debt for bond authorization to improve the sewer system infrastructure. [05-12-14 @ 4:47 PM]
- #196-14 HIS HONOR THE MAYOR requesting authorization to accept and appropriate the sum of twenty-eight thousand fifty three dollars (\$28,053) from interagency agreements executed between the City of Newton and agencies of the Brookline-Newton-Waltham-Watertown Homelessness Consortium Continuum of Care for services provided by the City of Newton as the lead agency for this program. [05/12/14 @ 4:47 PM]
- #197-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars (\$500,000) from the July 1, 2013 Certified Free Cash Account to the Workers' Compensation Insurance for the purpose of addressing a portion of the fund deficit resulting from the recognition of new long-term liabilities for workers' compensation cases that had not previously been classified as permanent and total disabilities. [05/12/14 @ 4:48 PM]
- #198-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of fifty thousand dollars (\$50,000) currently held by the City of Newton in a trust fund for the benefit of the Newton Highlands Community Development Center to the Newton Highlands Community Development Center. [05/12/14 @ 4:48 PM]
- #199-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of forty thousand dollars (\$40,000) from Fiscal Year 2014 Budget Reserve to the City Clerk's Department's Office Furniture Account for the purpose of replacing broken or missing polling furniture and equipment. [05/12/14 @ 4:47 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #200-14 COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of two hundred eight thousand seven dollars (\$208,007) from the Community Preservation Fund's historic resources fund balance or reserve, to the control of the Jackson Homestead, for repair of tombs in the East Parish Burying ground (Centre & Cotton Streets), as detailed in the proposal submitted in November 2013 and revised in November 2014. [05/08/14 @ 11:01 AM]

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #201-14 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred thousand dollars (\$200,000) from Free Cash for the purpose of supplementing the Police Department's Overtime Account. [05/12/14 @ 4:48 PM]

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #202-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of eighty thousand dollars (\$80,000) from the Fire Overtime Account to the following accounts:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> | <u>Purpose</u> |
|----------------|--------------------|---------------|--------------------------|
| 0121001-5319 | Training | \$33,000 | Tech Rescue Training |
| 0121005-5412 | Heating Oil | \$47,000 | Heating Oil/Expenditures |

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #203-14 HIS HONOR THE MAYOR requesting the following year-end housekeeping items:
- A. Rescind the sum of \$90,000 voted under Board Order #109-12 for the repair of the windows at Fire Station #4 and appropriate \$50,000 from the Energy Stabilization Fund for the final solution
 - B. Rescind the sum of \$1,000,000 voted under Board Order #255-13 for the Zervas Elementary School Feasibility Study and appropriate \$1,000,000 from the Capital Stabilization Fund/Override Sub Fund
 - C. Rescind the sum of \$416,000 voted under Board Order #252-13 for the architectural design of Station 10/Wires Division and appropriate \$416,000 from the capital Stabilization Fund/Override Sub Fund. [05/12/14 @ 4:47 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #204-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of four hundred sixty-five thousand dollars (\$465,000) from bonded indebtedness for the purpose of replacing a staircase at the Bigelow Middle School in accordance with the City's Capital Improvement Plan. [05/12/14 @ 4:48 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #205-14 HIS HONOR THE MAYOR requesting authorization to use up to one million one hundred thousand dollars in sewer operating reserve funds to implement the construction of the Project Area 2 portion of the sewer improvements as outlined in the Water/Sewer Strategic Plan. [05/12/14 @ 4:49 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #206-14 HIS HONOR THE MAYOR requesting authorization to borrow up to one million two hundred sixty-two thousand dollars (\$1,262,800) from the Massachusetts Water Resources Authority (MWRA) and authorization to expend an MWRA grant of one million thirty-three thousand dollars (\$1,033,200) as part of the MWRA interest free loan/grant program for the purpose of funding construction of the Project Area 2 portion of the sewer improvements as outlined in the Water/Sewer Strategic Plan. 05/12/14 @ 4:49 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #207-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of three hundred thousand dollars (\$300,000) within the Snow & Ice Control Accounts from Line Item 0140110, Account No. 513001 into Line Item 0140110, Account No. 5273 for the purpose of covering the final invoices for the 2013-2014 snow season. [05/12/14 @ 4:49 PM]

REFERRED TO ZAP, PROG & SERV AND FINANCE COMMITTEES

- #397-13(3) ALD. SANGIOLO AND DANBERG requesting creation of an ordinance to protect trees deemed historic by the Historical Commission and the City's Tree Warden.

REFERRED TO REAL PROPERTY REUSE COMMITTEE

- #47-14(4) ALD. ALBRIGHT & JOHNSON proposing a RESOLUTION requesting His Honor the Mayor assure the redevelopment of the Austin Street parking lot is handled in a way that carries out the objectives of the Board of Aldermen's Reuse Board Order and fulfills all requirements of the city's special permit process, including community input, parking, traffic/circulation, architecture/massing/design, outdoor space, and site plan details

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 or 617-796-1145. For Telecommunications Relay Service dial 711.