

DOCKET

Continued
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Monday, August 11, 2014
7:45 PM,
ED CENTER
100 WALNUT STREET
To be reported on
TUESDAY, SEPTEMBER 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

Public Hearing to be re-assigned for September 16, 2014:

#260-14 HENRY J. & DENISE S. DELICATA petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to create two tandem parking stalls within the front and side setbacks (on the right side) of an existing two-family dwelling at 358-360 NEVADA STREET, Ward 1, on land known as SBL 14, 16, 44, containing approximately 7,140 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-19(g)(1) and (2), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

Public Hearings to be assigned for September 16, 2014:

#272-14 CHRISTINE BOISCLAIR petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct a portico of approximately 4.5 feet over the front entrance at 42 BRAE BURN ROAD, Ward 4, Auburndale, on land known as SBL 42, 5, 2, containing approximately 9,095 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table 1, 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

#273-14 NICORE CONSTRUCTION, CORP. petition to change the zone of 114 RIVER STREET, known also as Section 33, Block 23, Lot 15, containing approximately 6,837 square feet of land, from BUSINESS 1 to MULTI RESIDENCE 2.

- #273-14(2) NICORE CONSTRUCTION CORP. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct four attached single-family dwellings in two buildings and to locate a driveway within 10 feet of a side lot line at 5-7 ELM STREET and 114 RIVER STREET, Ward 3, West Newton, on land known as SBL 33,23, 9, containing approximately 19,483 sf of land in a district zoned MULTI RESIDENCE 2 and SBL 33, 23,3 15, containing approximately 6,837 sf of land in a *proposed* MULTI RESIDENCE 2 district, for a *proposed* total of 26,290 sf of land. Ref: Sec 30-24, 30-23, 30-15(b)(5)a and b), 30-9(b)(5)a) of the City of Newton Rev Zoning Ord, 2012.
- #274-14 GATEWAY CENTER REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to replace and legalize an existing freestanding sign at 296-334 WASHINGTON STREET (Gateway Center), Ward 1, Newton Corner, on land known as SBL 12, 11, 1, in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-20(l) of the City of Newton Rev Zoning Ord and special permit #270-67.
- #257-13(3) WELLS AVENUE BUSINESS CENTER LLC requesting that the restriction adopted by Board Order #276-68(3), dated November 18, 1968, and subsequent amendments be further amended to reflect a waiver of use restriction to permit an interior place of amusement at 145 WELLS AVENUE, Ward 8. *NOTE: Public Hearing not required.*
- #257-13(4) WELLS AVENUE BUSINESS CENTER LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to permit a “place of amusement,” an indoor bouncy house, in an existing building housing a day care and to waive 7 parking stalls, reduce minimum aisle width for one-way traffic and waive interior landscaping requirements at 145 WELLS AVENUE, Ward 8, on land known as SBL 84, 34, 2G, containing approximately 86,256 sf of land in a district zoned LIMITED MANUFACTURING. Ref: Sec 30-24, 30-23, 30-5(a)(3)d)iii, 30-12(e)(8), 30-19(d)(13), and(16), 30-19(h)(3)a), 30-19(i)(2), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.
- #275-14 BRIGHT HORIZONS CHILDRENS CENTERS/320 NEEDHAM DE, LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive 20 parking stalls, to locate parking stalls within a setback, to waive landscape, lighting, and surfacing requirements for the parking lot and to waive the requirement for bicycle parking facilities in order to locate a child care center at 230 NEEDHAM STREET, Ward 8, in a district zoned MIXED USE 1. Ref: Sec 30-24, 30-23, 30-19(d)(13), (h), (i), (j), (k), 30-5(a)(3)d), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

#316-14 KATHLEEN CURRAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct a 2-story addition including an attached 2-car garage with living space above with a dormer wider than 50% of the wall below at 30 HANCOCK STREET, Ward 4, Auburndale, on land known as SBL 42, 17, 17, containing approximately 13,950 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15 Table 1, 30-15(t)(1), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

Public Hearings to be assigned for September 23, 2014:

#102-06(11) CHESTNUT HILL REALTY DEVELOPMENT, LLC./KESSELER DEVELOPMENT, LLC. petition to amend Ordinance Z-37, dated November 17, 2008, which adopted a change of zone from SINGLE RESIDENCE 3 to MULTI RESIDENCE 3 conditional upon the exercise of Special Permit #102-06(9), for a parcel of land located on LaGrange Street, Ward 8, identified as Section 82, Block 37, Lot 95, and shown as Lot H-1 on a Subdivision Plan of Land in Newton MA, "Toomey-Munson & Associates, Inc.," dated April 28, 2004, recorded with the Middlesex South County Registry of Deeds in Plan Book 2005, page 102.

#102-06(12) CHESTNUT HILL REALTY DEVELOPMENT, LLC./KESSELER DEVELOPMENT, LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #102-06(9), granted on November 17, 2008, by constructing a 4-story, 80-unit multi-family building with accessory parking, driveway, and landscaping, including waivers from the maximum height requirement, various parking dimensionals. lighting requirements, and signage on land located on LaGRANGE STREET, Ward 8, known as Sec 82, Blk 37, Lot 95, shown as Lot H-1 on a Subdivision Plan of Land in Newton MA, "Toomey-Munson & Associates, Inc.," dated April 28, 2004, recorded with the Middlesex South County Registry of Deeds in Plan Book 2005, page 102, containing approximately 640,847 sf of land in a proposed Multi Residence 3 district. Ref: §§30-24, 30-23, 30-9(d), 30-15 Table 1 footnote 5, 30-19(h), 30-19(j)ii, 30-19(m), 30-20(1) of the City of Newton Rev Zoning Ord, 2012.

OTHER COMMUNICATIONS

Zoning Board of Appeals Decision, June 24, 2014

#276-14 JOHN & NATALIA HARTHORNE petition for a variance from the front yard setback in order to install a detached storage unit at 1 Cotswold Terrace, Newton Centre.

DENIED

Application for Administrative Site Plan Review

#277-14 NEWTON CULTURAL ALLIANCE filing on July 14, 2014 an application pursuant to Sec. 30-5(a) to establish a community arts and culture community educational center, including historic display on the legacy of Nathaniel Allen, instruction, rehearsal, and small performance and gathering space at the Nathaniel Allen House, 35 Webster Street, West Newton,

REFERRED TO ZONING & PLANNING COMMITTEE

#237-14(2) ALD. SANGIOLO on behalf of concerned citizens requesting a one-year change to the approval process for demolition permits for single- and two-family homes that includes a temporary review process for building plans if the resulting build is by-right and would be greater than 20% of the existing structure.

#278-14 ALD. YATES proposing to amend Chapter 30 of the City of Newton Ordinances to restrict the two-unit structures allowed by-right in the multi-residence districts to structures with the two units side-by-side in a single structure, or one above the other as in double-deckers. [07/31/14 @ 12:03PM]

Appointment by His Honor the Mayor

#279-14 MATTHEW MONTGOMERY, 60 Manchester Road, Newton Highlands, appointed as a member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire May 31, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Appointment by His Honor the Mayor

#280-14 VERNE VANCE, 101 Old Orchard Road, Chestnut Hill, appointed as a member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire July 31, 2017 (60 days 10/10/14) [07/07/14 @ 8:45AM]

Appointment by His Honor the Mayor

#281-14 JEFF ZABEL, 54 Oak Avenue, West Newton, appointed as an *alternate* member of the CONSERVATION COMMISSION for a term to expire May 31, 2017 (60 days 10/10/14) [07/23/14 @ 10:17AM]

Appointment by His Honor the Mayor

#282-14 BARBARA NEWMAN, 30 Gay Street, Newtonville, appointed as a member of the CONSERVATION COMMISSION for a term to expire May 31, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Appointment by His Honor the Mayor

#283-14 BARBARA BRUSTOWICZ, 12 Radcliff Road, Waban, appointed as an *alternate* member of the CONSERVATION COMMISSION for a term to expire May 31, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Appointment by His Honor the Mayor

#284-14 LAURA FITZMAURICE, 67 Fischer Avenue, Newton Highlands, appointed as a member of the NEWTON HISTORICAL COMMISSION for a term to expire June 1, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Appointment by His Honor the Mayor

#285-14 PETER DIMOND, 18 Sterling Street, West Newton, appointed as a member of the NEWTON HISTORICAL COMMISSION for a term to expire May 13, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Appointment by His Honor the Mayor

#286-14 JEFFREY TEMPLER, 1691 Commonwealth Avenue, West Newton, appointed as a member of the NEWTON HISTORICAL COMMISSION for a term to expire May 15, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#287-14 JOYCE DOSTALE, 49 Hammond Street, Chestnut Hill, re-appointed as a member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#288-14 JOHN WYMAN, 47 Old Orchard Road, Chestnut Hill, re-appointed as a member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire July 1, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#289-14 ROBERT IMPERATO, 145 Washington Street, Newton, re-appointed as a member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire July 1, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#290-14 PETER VIEIRA, 67 Old Orchard Road, Chestnut Hill, re-appointed as a member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire July 31, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#291-14 SAMUEL PERRY, 26 Old Orchard Road, Chestnut Hill, re-appointed as an *alternate* member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire July 1, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#292-14 SUSAN LUNIN, 22 Shaw Street, West Newton, re-appointed as a member of the CONSERVATION COMMISSION for a term to expire May 31, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#293-14 JUDITH HEPBURN, 132 Stanley Road, Waban, re-appointed as a member of the CONSERVATION COMMISSION for a term to expire May 31, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#294-14 IRA WALLACH, 5 Broken Tree Road, Newton Centre, re-appointed as a member of the CONSERVATION COMMISSION for a term to expire May 31, 2017 (60 days 10/10/14) [07/23/14 @ 10:17AM]

Re-appointment by His Honor the Mayor

#295-14 LEONARD SHERMAN, Windsor Road, Waban, re-appointed as an *at-large alternate* member of the NEWTON HISTORICAL COMMISSION for a term to expire June 1, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#296-14 ELLEN FITZPATRICK, 20 Foster Street, Newtonville, re-appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#297-14 MARK CHUDY, 34 Prescott Street, Newtonville, re-appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#298-14 RALPH ABELE, 15 Page Road, Newtonville, re-appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#299-14 NANCY GRISSOM, 7 Orris Street, Auburndale, re-appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#300-14 MARI WILSON, 30 Foster Street, Newtonville, re-appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#301-14 JAMES GROSS, 80 Highland Avenue, Newtonville, re-appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#302-14 BARBARA WALES, 5 Rotherwood Road, Newton Centre, re-appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#303-14 EDWARD ZIELINSKI, 128 Gibbs Street, Newton Centre, re-appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#304-14 DAVID MORTON, 148 Edinboro Street, Newtonville, re-appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#305-14 JOHN MARTIN, 12 Simpson Terrace, Newtonville, re-appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#306-14 JIM ROBERTSON, Newtonville Avenue, Newton, re-appointed as a member of the COMMUNITY PRESERVATION COMMITTEE for a term to expire August 1, 2017 (60 days 10/10/14) [07/01/14 @ 2:54PM]

Re-appointment by His Honor the Mayor

#307-14 PETER LEW, 61 West Pine Street, Auburndale, re-appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire April 30, 2017 (60 days 10/10/14) [08/04/14 @ 10:02AM]

REFERRED TO PROGRAMS & SERVICES COMMITTEE

#308-14 THE HUMAN RIGHTS COMMISSION requesting to amend Chapter 12, Article V of the City of Newton Ordinances to include the words “gender identity or expression” as appropriate throughout, and amend language relative to non-discrimination in housing practices to reflect current state and federal law. [08/04/14 @ 4:31PM]

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

#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]

- #310-14 ALD. YATES requesting a RESOLUTION to His Honor the Mayor asking that the Director of Public Engagement develop a public outreach program in partnership with the Massachusetts Department of Transportation re the Add-a Lane Project on Route 128, including but not limited to emails to aldermen and members of the Upper Falls, Waban, and Newton Highlands Neighborhood Area Councils, and create a prominent link on the city's website to the new Department of Transportation website page on the project [07-31-14 @ 12:12 PM].

REFERRED TO PUBLIC FACILITIES COMMITTEE

Public hearing to be assigned for September 3, 2014

- #311-14 VERIZON NEW ENGLAND, INC. petitioning for a grant of location to relocate solely-owned Pole #157/2 in front of 32 LAKEWOOD ROAD southerly 6' ± from its current location. (Ward 6) [08-01-14 @ 3:32 PM]
- #312-14 ALD. ALBRIGHT, BAKER, BLAZAR, HESS-MAHAN, JOHNSON, LAREDO and LEARY requesting discussion of proposal to purchase and install electronic bulletin boards on the exterior of City properties, including consideration of such issues as the possible distraction of passersby, the precedent of allowing electronic displays which may invite imitation by private landowners, and the visual impact on public open spaces, as well as how the installation would fit with the law or policy of Newton's sign code, and consideration of possible alternative means to help fulfill the worthy goal of providing public information to those who may need it. [07-17-14 @ 10:24 AM]

REFERRED TO FINANCE COMMITTEE

- #313-14 HIS HONOR THE MAYOR requesting Board of Aldermen approval to increase an existing part-time payroll administrator position in the Human Resources Department to a full-time position to enable increased accuracy and efficiency in payroll processing. There is no additional funding required. [08-04-14 @ 4:30 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #314-14 HIS HONOR THE MAYOR requesting authorization to use up to One Million Six Hundred Thousand Four dollars (\$1,604,000) in additional sewer operating reserve funds to allow the Department of Public Works to implement a portion of the sewer improvements outlined in the FY2015-19 Capital Improvement Plan, in particular construction of sewer project area 2, which is currently under final design and will be bid shortly for a projected October 2014 start date. [08-04-14 @ 4:30 PM].

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

- #315-14 ALD. HESS-MAHAN, ALBRIGHT, CROSSLEY AND DANBERG proposing an amendment to Chapter 2 of the City of Newton Ordinances setting forth requirements for procurement of materials and services by non-governmental recipients of federal, state or local funds administered by the City, such as CDBG and CPA funds. In order to encourage non-profit and other private organizations to participate in affordable housing, cultural and other public-private collaborations, such procurement requirements should accommodate the needs of non-governmental recipients for flexibility given the multiple public and private sources of funds necessary for any project by not placing undue or unreasonable burdens on them. [08/04/14 @ 5:08PM]

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.