

REPORTS DOCKET

Sept. 16: Land Use Continued
Sept. 17: Programs & Services; Public Safety & Transportation; Public Facilities Page 189
Sept. 22: Finance; Zoning & Planning Monday, September 15, 2014
Sept. 23: Land Use 7:45 PM, Newton City Hall
To be reported on
MONDAY, OCTOBER 6, 2014

CITY OF NEWTON

IN BOARD OF ALDERMEN

REFERRED TO LAND USE COMMITTEE

Tuesday, September 16, 2014

Present: Ald. Laredo (Chairman), Ald. Albright, Cote, Crossley, Lennon, Lipof, Harney, and Schwartz; also present: Ald. Leary

Public Hearings were opened on the following items:

#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 43, 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.

HEARING CLOSED; APPROVED 8-0

#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(1) of the City of Newton Rev Zoning Ord and special permit #270-67.

HEARING CLOSED; APPROVED 8-0

#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.*

APPROVED 8-0

#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. NOTE: Accompanying petition #257-13(3) requests 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
HEARING CLOSED; APPROVED 8-0

#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 43, 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.
HEARING CLOSED; APPROVED 8-0

Hearing opened on July 29, continued to September 16:

#318-13(3) RODNEY D. FARNSWORTH III petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to create an accessory apartment in part of an finished living space in the basement at 161 EDINBORO STREET, Ward 2, NEWTONVILLE on land known as SBL 21, 23 18, containing approximately 17,496 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(h)(2) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; APPROVED 8-0

Hearing opened on July 29, 201, continued to September 16:

#229-14 MICHAEL & DENA RASHES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to add approximately 2,372 sq. ft. to the rear of an existing dwelling, which is nonconforming as to height, ~~and to relocate the existing detached garage from the western side of the property to the eastern side of the property and~~ to construct an attached three-car garage, and to waive preservation and conservation restrictions and to amend special permit #127-80(2), at 93 BELLEVUE STREET, Ward 1, NEWTON, on land known as SBL 12, 21, 39 and 40, containing approximately 93,923 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-8(b)(7), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; APPROVED 8-0

#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, 39-19(d)(13), (h), (i), (j), (k), 30-5(a)(3)d), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

HEARING CONTINUED TO SEPTEMBER 23, 2014

Hearing opened on June 10, continued to July 29; continued to September 16:

#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.

HEARING CONTINUED TO OCTOBER 14, 2014

Hearing opened July 15, continued to September 16:

#285-06(2) BELL ATLANTIC MOBILE OF MASS. CORP. LTD. d/b/a VERIZON WIRELESS/THE COVENANT RESIDENCES ON COMMONWEALTH CONDOMINIUM TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to install antennas on the roof inside faux chimney structures and to place accessory radio equipment and an emergency stand-by power generator inside an equipment shelter to the rear of property at 35 COMMONWEALTH AVENUE, Ward 7, Chestnut Hill on land known as SBL 63, 1, 8, containing approximately 48,000 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-18A(e)(6) and 10 and 30-18A(i) of the City of Newton Rev Zoning Ord, 2012.

HEARING CONTINUED TO OCTOBER 14, 2014

REFERRED TO LAND USE COMMITTEE

Tuesday, September 23, 2014

Present: Ald. Laredo (Chairman), Ald. Albright, Cote, Crossley, Harney Lipof, and Lennon;
absent: Ald. Schwartz; also present: Ald. Lappin

Public Hearings were opened on the following petitions:

- #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.
HEARING CONTINUED TO DATE TO BE DETERMINED
- #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, 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 and Amend Special Permit #40-07, dated May 21, 2007.
HEARING CONTINUED TO DATE TO BE DETERMINED
- #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.
HEARING CONTINUED TO DATE TO BE DETERMINED
- #102-06(12) CHESTNUT HILL REALTY DEVELOPMENT, LLC./KESSELER DEVELOPMENT, LLC. petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #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)(2)a), 30-19(h)(5)a),

30-19(j), 30-19(m), 30-20(l), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.

HEARING CONTINUED TO DATE TO BE DETERMINED

The public hearing on the following petition was opened on September 16 and continued to September 23:

#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, 39-19(d)(13), (h), (i), (j), (k), 30-5(a)(3)d, 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; APPROVED 7-0

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, September 22, 2014

Present: Ald. Johnson (Chairman), Danberg, Hess-Mahan, Kalis, Danberg, Yates, Leary, Sangiolo and Baker; Also Present: Ald. Gentile, Ciccone, Norton, Rice, Blazar, Fuller, and Lappin; 1 vacancy

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#277-14(2) **COMMUNITY PRESERVATION COMMITTEE** recommending the appropriation of three hundred thousand dollars (\$300,000) to the Planning and Development Department for a grant to the Newton Cultural Alliance to preserve and rehabilitate the historic Nathaniel Allen House, as described in the July 2014 proposal for “partial occupancy” as Phase 1, Part 1 of a planned larger project. [08/06/14 @ 4:16 PM]

FINANCE APPROVED 7-0 on 9/22/14

APPROVED 7-0 (Baker not voting)

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]

APPROVED 4-0-1 (Yates abstaining; Johnson, Hess-Mahan and Baker not voting)

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]

APPROVED 5-0 (Johnson, Hess-Mahan and Baker not voting)

#426-13 ALD. HESS-MAHAN requesting periodic updates on development of the Consolidated Plan for the City of Newton Housing and Community Development Program and the WestMetro Home Consortium. [12/06/13 @ 9:51 AM]
HELD 7-0 (Hess-Mahan not voting)

#80-13 THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project. [02/25/13 @ 12:31 PM]
HELD 7-0 (Hess-Mahan not voting)

#237-14 ALD. SANGIOLO on behalf of concerned citizens requesting a one-year moratorium on the demolition of single- and two-family homes. [06/12/14 @ 10:45AM]
HELD 7-0 (Hess-Mahan not voting)

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, September 17, 2014

Present: Ald. Sangiolo (Chairman), Rice, Blazar, Leary, Norton, Hess-Mahan, Kalis and Baker
 Also Present: Ald. Lennon and Danberg

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#333-14 COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of four hundred seventy-six thousand seven hundred eighty dollars (\$476,780) to the Parks and Recreation Department to preserve, restore, and rehabilitate historic Farlow Park, as described in the proposal and supplemental materials submitted to the Community Preservation Committee from November 2013 to April 2014. [08/06/14 @ 4:16 PM]
FINANCE APPROVED 7-0
APPROVED 7-0 (Baker not voting)

#254-12(2) THE PROGRAMS & SERVICES COMMITTEE recommending an ordinance to ban single-use plastic bags at certain retail establishments in the City of Newton. [01/10/14 @ 3:36 PM]
REFERRED TO FINANCE COMMITTEE 8-0
APPROVED 8-0

#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”. [09/08/14 @ 4:10PM]
HELD 8-0

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, September 17, 2014

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

#115-14 FRAN KUEHN, 37 Fairfield Street, appealing the Approval of TC1-14 Traffic Council Decision on February 27, 2014: SGT. BABCOCK, requesting a parking restriction on Fairfield Street, to allow for emergency vehicle access. (Ward 2) [03/17/14 @ 4:10 PM]

HELD 5-0-1 (Harney abstaining, Cote not voting) to continue the trial for an additional 180-days to remove the no parking, anytime, west side of Fairfield Street parking restriction approved by Traffic Council on 02/27/14.

#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

#325-14 ALD. ALBRIGHT, requesting a review and possible change in the composition of Traffic Council membership in light of the consolidation of all parking and transportation staff in the Department of Public Works. [08/19/14 @ 9:16 AM]

APPROVED 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 5-0 (Harney and Lipof not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, September 17, 2014

Present: Ald. Crossley (Chairman), Lennon, Albright, Danberg, and Laredo; absent: Ald. Gentile and Lappin; 1 vacancy

#327-14 NATIONAL GRID petitioning for a grant of location to install and maintain 100' ± of 6" gas main in ALBERT ROAD from the existing 6" gas main in Albert Road northerly to the end of Albert Road to provide new gas service to 35 and 41 Albert Road. (Ward 4) [08/21/14 @ 8:34 AM]

APPROVED 4-0 (Laredo not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#288-13 PUBLIC FACILITIES & FINANCE COMMITTEES requesting that the Administration update the Board of Aldermen when a funding source is determined for the Zervas Elementary School Feasibility Study

FINANCE VOTED NO ACTION NECESSARY 7-0 on 09/22/14

NO ACTION NECESSARY 5-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday October 1, 2014

Ald. Crossley (Chairman), Lennon, Albright, Gentile, Danberg, and Laredo; absent: Ald. Lappin, 1 vacancy; also present: Ald. Baker, Blazar, Fuller, Johnson, Leary, Norton, Rice, and Yates

#153-13 **PUBLIC FACILITIES COMMITTEE** requesting periodic updates on the progress of the citywide storm water system assessment needed to define the scope of repairs to the system, as well as methods of financing the assessment and an accounting of the storm water enterprise fund. [04/02/13 @ 11:02 AM]

HELD 6-0

#131-13 **ALD. CROSSLEY, FULLER, SALVUCCI, JOHNSON, CICCONE** requesting periodic updates and discussion, at the discretion of the members of the Public Facilities Committee or the Commissioner of Public Works, on the condition functioning, operations and management of all elements of the City sewer, water and storm water systems including the following:

- Water meters
- Implementation of the ten project area strategic plan to remove infiltration in the City sewer system
- Implementation of the long range strategic plan to repair and replace City water mains, especially to correct for fire flow
- Status of the City's Private Inflow Removal Program to resolve and disconnect illegal storm water connections to the City sewer system
- Current billing practices
- Rates analyses needed to facilitate an informed comparison of billing options to include the following options either alone or in combination: seasonal rates, second meters, tiered rates, frequency of billing, low income credits. [03/23/13 @ 11:13 AM]

HELD 6-0

REFERRED TO FINANCE COMMITTEE

Monday, September 22, 2014

Present: Ald. Gentile (Chairman), Ciccone, Norton, Rice, Blazar, Fuller, and Lappin; 1 vacancy; Also present: Ald. Johnson, Leary, Hess-Mahan, Sangiolo, Yates, Danberg, Kalis, and Lennon

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#277-14(2) **COMMUNITY PRESERVATION COMMITTEE** recommending the appropriation of three hundred thousand dollars (\$300,000) to the Planning and Development Department for a grant to the Newton Cultural Alliance to preserve and rehabilitate the historic Nathaniel Allen House, as described in the July 2014 proposal for "partial occupancy" as Phase 1, Part 1 of a planned larger project.

ZONING & PLANNING APPROVED 7-0 on 09/22/14

APPROVED 7-0

#104-14 ALD. JOHNSON requesting that the Executive Department conducts a complete review and analysis of the policies governing data privacy and the security of resident/business information on the Treasurer's website to be followed with an action plan to protect our residents' data to be completed by the end of Fiscal Year 2014. [02/26/14 @ 9:07 AM]

HELD 7-0

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#257-12 RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates.

HELD 7-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#333-14 COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of four hundred seventy-six thousand seven hundred eighty dollars (\$476,780) to the Parks and Recreation Department to preserve, restore, and rehabilitate historic Farlow Park, as described in the proposal and supplemental materials submitted to the Community Preservation Committee from November 2013 to April 2014. [08/06/14 @ 4:16 PM]

PROGRAMS & SERVICES APPROVED 7-0 on 09/17/14

APPROVED 7-0

#343-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of three million dollars (\$3,000,000) from the September 8, 2014 Declaration of Overlay Surplus as declared by the Chairman of the Board of Assessors to the Rainy Day Stabilization Fund. [09-11-14 @ 1:23 PM]

APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#288-13 PUBLIC FACILITIES & FINANCE COMMITTEES requesting that the Administration update the Board of Aldermen when a funding source is determined for the Zervas Elementary School Feasibility Study. [07-11-13 @ 10:10 AM]

PUBLIC FACILITIES VOTED NO ACTION NECESSARY 5-0 on 09/17/14

NO ACTION NECESSARY 7-0

REFERRED TO FINANCE COMMITTEE

Wednesday, October 1, 2014

Present: Ald. Gentile (Chairman), Ciccone, Norton, Rice, Blazar, and Fuller, absent: Ald. Lappin; 1 vacancy; Also present: Ald. Albright, Crossley, Johnson, Laredo, Leary, Lennon, and Yates

#255-14 HIS HONOR THE MAYOR recommending that 1316 Beacon Street, 1330 Beacon Street, and 1338 Beacon Street, including trees and structures on the properties, be acquired through purchase or by friendly takings ~~eminent domain~~ for the purpose of expanding the Zervas Elementary School site. [06/16/14 @11:17 AM]
APPROVED AS AMENDED 4-2 (Blazar and Norton opposed)

#256-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two million seven hundred thousand dollars (\$2,700,000) from the Capital Stabilization Fund-Operating Override Account Fund for purposes of funding all costs associated with the acquisition of 1316 Beacon Street, 1330 Beacon Street, and 1338 Beacon Street including any relocation obligations the City may have pursuant to Massachusetts General Law Chapter 79A. [06/16/14 @11:17 AM]
APPROVED AS AMENDED 4-2 (Blazar and Norton opposed)

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.