

REPORTS DOCKET

Dec. 2: Land Use Continued
Dec. 3: Programs & Services; Public Safety& Transportation; Public Facilities Page 251
Dec. 8: Finance; Zoning & Planning Monday, December 1, 2014
Dec. 9: Land Use 7:45 PM, Newton City Hall
To be reported on
MONDAY, DECEMBER 15, 2014

CITY OF NEWTON

IN BOARD OF ALDERMEN

REFERRED TO LAND USE COMMITTEE

Tuesday, December 2, 2014

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

Hearing opened September 23; continued on November 6:

#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.
APPROVED 5-0-3 (Albright, Laredo, Schwartz abstaining)

Hearing opened September 23; continued on November 6:

#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.
APPROVED 6-0-2 (Harney, Laredo abstaining)
AMENDMENT TO SITE PLAN APPROVAL #40-07 APPROVED 6-0-2 (Harney, Laredo abstaining)

Public Hearing opened and continued on October 14, 2014:

#319-14 LEOPOLDO BUTERA petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an existing garage exceeding 700 square feet of ground floor area at 26 ELM STREET, Ward 3, West Newton, on land known as SBL 33, 24, 10, containing approximately 8,250 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15(m)(c)5) of the City of Newton Rev Zoning Ord, 2012.
HEARING CONTINUED TO DATE TO BE DETERMINED IN JANUARY 2015

The following are Auto Dealer Renewal Licenses for 2015

Class 1

#410-14 CLAY NISSAN OF NEWTON INC.
 431 Washington Street
 Newton Corner 02458
APPROVED 7-0 (Schwartz not voting)

Class 2

#413-14 AUCTION DIRECT PREOWNED
 1545 Washington Street
 West Newton 02465
APPROVED 7-0 (Schwartz not voting)

#417-14 JOHN BORTONE d/b/a ENZO'S AUTO SALES
 10 Hawthorn Street
 Nonantum 02458
APPROVED 7-0 (Schwartz not voting)

#418-14 GLOBAL VENTURES GROUP INC.
 d/b/a LUX AUTO PLUS
 1197-1201 Washington Street
 West Newton 02465
APPROVED 7-0 (Schwartz not voting)

419-14 MAVERICK MOTORS, INC.
 1209 Washington Street,
 West Newton 02465
APPROVED 7-0 (Schwartz not voting)

#422-14 LIFT THROTTLE AUTOMOTIVE, LLC
 64 Hillside Avenue
 West Newton 02465
APPROVED 7-0 (Schwartz not voting)

- #423-14 MAP DEVELOPMENT & INVESTMENTS
d/b/a CHRISTIAN TAPIA/MASTER USED
CARS of WATERTOWN
175 North Street
Newtonville 02460
APPROVED 7-0 (Schwartz not voting)
- #425-14 NEW ENGLAND MOTOR MART, INC.
1221-1229 Washington Street
West Newton 02465
APPROVED 7-0 (Schwartz not voting)
- #426-14 NEWTON AUTO GROUP, INC.
1235 Washington Street
West Newton 02465
APPROVED 7-0 (Schwartz not voting)
- #427-14 NEWTON CENTRE SHELL, INC.
1365 Centre Street
Newton Centre 02459
APPROVED 7-0 (Schwartz not voting)
- #429-14 NTC-NEWTON TRADE CENTER
103 Adams Street
Nonantum 02458
APPROVED 7-0 (Schwartz not voting)
- #430-14 OLD TIME GARAGE LTD.
1960 Washington Street
Newton Lower Falls 02462
APPROVED 7-0 (Schwartz not voting)
- #432-14 R.J.S. SERVICE, INC.
361 Washington Street
Newton Corner 02458
APPROVED 7-0 (Schwartz not voting)
- #433-14 REGANS INC.
2066 Commonwealth Avenue
Auburndale 02466
APPROVED 7-0 (Schwartz not voting)

#434-14 ROBERT'S TOWING, INC.
926r Boylston Street
Newton Highlands 02461
APPROVED 7-0 (Schwartz not voting)

#438-14 JOHN & CATALINA BORTONE
d/b/a VELOCITY MOTORS
14 Hawthorn Street
Nonantum 02458
APPROVED 7-0 (Schwartz not voting)

#439-14 CITY OF NEWTON
1000 Commonwealth Avenue 02459
APPROVED 7-0 (Schwartz not voting)

Class 3

#440-14 ECHO BRIDGE SALVAGE CO.
16-24 Maguire Court
Newtonville 02460
APPROVED 7-0 (Schwartz not voting)

#441-14 SCHIAVONE BROTHERS, INC.
16-24 Maguire Court
Newtonville 02460
APPROVED 7-0 (Schwartz not voting)

REFERRED TO LAND USE COMMITTEE

Tuesday, December 9, 2014

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

Public Hearings were opened on the following items:

#222-14(2) **DENISE & PETER STAUBACH** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to remove an existing attached garage and breezeway and to construct a two-stall garage, sunroom and ¾ bath with two bedrooms above, which will increase the Floor Area Ratio from .42 to .54, where .48 is the maximum allowed by right, at 29 WEDGEWOOD ROAD, Ward 3, WEST NEWTON, on land known as SBL 31, 20, 14 containing approximately 4,501 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15 Table A, 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; APPROVED 7-0 (Harney not voting)

- #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-story commercial building with a parking facility with 11 stalls, a with approximately 1,400 sf of storage on the first floor, and 5,810 sf of office space on the second floor 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 MULTI USE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 3, 30-19(d)(11), (15), and (m), and 30-19 Table of off-street loading requirements of the City of Newton Rev Zoning Ord, 2012.
HEARING CONTINUED TO DATE TO BE DETERMINED
- #364-14 PHI PROPERTIES LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a four-unit multi-family dwelling with 10 below grade parking stalls and associated parking waivers if necessary at 9 CHANDLER STREET, Ward 1, NONANTUM, on land known as SBL 14, 10, 4 and 5, containing a combined total of 13,153 sf of land in a district zoned MULTI RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-9(c)(1), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.
HEARING CONTINUED TO DATE TO BE DETERMINED
- #366-14 ARMAN CHITCHIAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition and reconfigure an existing two-family dwelling to two side-by-side attached dwellings, which will increase the Floor Area Ratio from .24 to .42 where .36 is allowed, at 143 LINCOLN STREET, Ward 5, NEWTON HIGHLANDS, on land known as SBL 52, 1, 18, containing approximately 11,775 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.
HEARING CONTINUED TO DATE TO BE DETERMINED
- #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 CONTINUED TO DATE TO BE DETERMINED

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, December 8, 2014

Present: Ald. Johnson (Chairman), Danberg, Hess-Mahan, Sangiolo, Yates, Leary and Baker

Absent: Ald. Kalis; Ald. Crossley and Albright

Planning & Development Board present: Peter Doeringer, Jonathan Yeo, and James Freas

#352-14 ACCESSORY APARTMENT SUBCOMMITTEE proposing that §§30-8(4)(a) and 30-9(2)(a) re proof of existence for pre-existing accessory apartments in Single Residence and Multi Residence districts be amended to change the date an owner-occupant seeking validation of an existing accessory apartment must prove its existence from December 31, 1979 to December 31, 1999. [09/29/14 @ 11:20AM]

HEARING CLOSED; APPROVED 5-1-1 (Baker opposed; Sangiolo abstaining)

#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

#113-14 DIRECTOR OF PLANNING & DEVELOPMENT requesting discussion regarding Newton's Historic District Commissions and ways to optimize staff and Commission oversight to further the goals of historic preservation. [03/28/14 @ 11:06 AM]

NO ACTION NECESSARY 7-0

REFERRED TO PROG & SERV, PUB. FAC., ZAP, AND FINANCE COMMITTEES

#256-12 ALD. HESS-MAHAN, SANGIOLO & SWISTON proposing an ordinance promoting economic development and the mobile food truck industry in the City of Newton. [08/06/12 @4:46 PM]

PROG & SERV VOTED NO ACTION NECESSARY 6-0 on 11/19/14

PUBLIC FAC VOTED NO ACTION NECESSARY 6-0 on 12/3/14

FINANCE TO MEET

NO ACTION NECESSARY 7-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, December 4, 2014

Present: Ald. Rice (Acting Chairman), Sangiolo, Hess-Mahan, Blazar, Kalis, Norton, Leary and Baker; also present: Ald. Harney and Yates

Appointment by His Honor the Mayor

#379-14 PAT PALMER, 37 Arapahoe Road, Newton, appointed as an *at-large alternative member* of the PARKS & RECREATION COMMISSION for a term to expire October 31, 2017 (60 days 1/2/15) [10/22/14 @ 1:14PM]
APPROVED 7-0 (Baker not voting)

Re-appointment by His Honor the Mayor

#383-14 ANDREW STERN, 56 Tyler Terrace, Newton Centre, re-appointed as the *Ward 6 member* of the PARKS & RECREATION COMMISSION for a term to expire April 20, 2016 (60 days 1/2/15) [10/22/14 @ 1:14PM]
APPROVED 7-0 (Baker not voting)

#356-14 ALD. HESS-MAHAN AND DANBERG, requesting a RESOLUTION of the Newton Board of Aldermen on behalf of Newton Dialogues on Peace & War, declaring support for the U.S. Conference of Mayors' program "Mayors for Peace," of which the City of Newton has been a member since 2005, and its goal of eliminating all nuclear weapons by 2020. [09/10/14 @ 3:15PM]
APPROVED 7-0 (Baker not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#464-14 ALD. SANGIOLO requesting discussion with the Department of Veteran's Services and the Executive Department regarding updates on programming at the Newton Senior Center and budgeting for new initiatives.[11/24/14 @ 3:41PM]
HELD 7-0 (Baker not voting)

#340-14 ALD. NORTON requesting to amend the City of Newton Charter to ~~also include the term "Alderswoman" 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)

#95-13(2) THE PROGRAMS & SERVICES COMMITTEE requesting an update from the Health Care Advisory Committee. [09/12/13 @ 9:49AM]
NO ACTION NECESSARY 7-0-1 (Baker abstaining)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, December 3, 2014

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

#460-14 DONALD LaPLANTE, 395 Lexington Street, Auburndale, MA 02466, requesting **one (1) new public auto license** for Don's Car Service. [11/12/14 @ 10:56 AM]
APPROVED 4-0, Harney and Schwartz not voting

#310-13(2) ALD. LENNON, on behalf of Dominic Proia, 17 Peabody Street, requesting an amendment to Resident Permit Parking Program Sec. 19-201(B)(1) regarding contiguous lots. [02/24/14 @ 9:08 AM]
APPROVED 6-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, December 3, 2014

Present: Ald. Crossley, Lennon, Albright, Brousal-Glaser, Gentile, Danberg, Laredo, and Lappin
Also present: Ald. Baker, Fuller, Harney, Johnson, Leary, Rice, Sangiolo, Schwartz, and Yates

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#455-14 HIS HONOR THE MAYOR recommending amendment to Chapter 29, Section 80 **Sewer/Stormwater use charge.** of the City of Newton Ordinances to create a storm water rate fee structure based upon square footage of impervious surface area.
PUBLIC HEARING CONTINUED; HELD 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#456-14 HIS HONOR THE MAYOR recommending amendments to Chapter 29, Article II. **Water. and Sec. 29-80. Sewer** of the City of Newton Ordinances to allow for second water meters for outside water use and to restructure the water rate fee structure.
FINANCE APPROVED AS AMENDED 4-1 (Brousal-Glaser Opposed) on 12/08/14
APPROVED AS AMENDED 6-2 (Brousal-Glaser and Laredo opposed)

#417-13 PUBLIC FACILITIES COMMITTEE requesting that the Administration provide updates on the progress of the Angier Elementary School project. [11/21/13 @ 9:16 AM]
HELD 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #466-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred fifty thousand dollars ((\$150,000) from bonded indebtedness for the purpose of funding HVAC improvements at the Senior Center as outlined in the FY 2015 Capital Improvement Plan. [11/24/14 @ 4:23 PM]
FINANCE APPROVED 5-0 on 12/08/14
APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #467-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred fifty thousand dollars ((\$150,000) from bonded indebtedness for the purpose of funding the replacement of the water heater at the F.A. Day Middle School as outlined in the FY 2015 Capital Improvement Plan. [11/24/14 @ 4:23 PM]
FINANCE APPROVED 5-0 on 12/08/14
APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #468-14 HIS HONOR THE MAYOR requesting authorization to reallocate the Carr Elementary School Renovation Project Budget to replenish funds for the Mayor's Contingency Budget Line, as well as to cover the costs of various project related expenses. [11/24/14 @ 4:23 PM]
HELD 6-0 (Brousal-Glaser and Lennon not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #469-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred twenty-seven thousand five hundred dollars (\$127,500) from the ~~Energy Conservation Fund~~ **Free Cash** to the Public Buildings Department to replace the emergency electrical generator and transfer switch at Fire Station #1 in Newton Corner. [11/24/14 @ 4:23 PM]
APPROVED AS AMENDED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #471-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of four hundred thousand dollars (\$400,000) from Free Cash to fund the design, construction, and relocation of modular buildings from Zervas Elementary School to Newton South High School for special education program needs. [11/24/14 @ 3:43 PM]
HELD 8-0

- #255-14(3) ALD. YATES requesting a RESOLUTION to His Honor the Mayor seeking preservation of the historic house at 1316 Beacon Street; such preservation shall include documentation and disassembly and storage on a temporary basis for possible reconstruction on another site in the future.
NO ACTION NECESSARY 6-0 (Brousal-Glaser and Lennon not voting)

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES

- #341-14 TRANSPORTATION DIVISION requesting presentation of the Washington Street Access Improvement Study provided by the Central Transportation Planning Staff. [08/29/14 @ 11:08 AM]
PUBLIC SAFETY VOTED NO ACTION NECESSARY 6-0 on 11/19/14
NO ACTION NECESSARY 6-0 (Brousal-Glaser and Lennon not voting)

REFERRED TO PROG & SERV, PUB. FAC., ZAP, AND FINANCE COMMITTEES

- #256-12 ALD. HESS-MAHAN, SANGIOLO & SWISTON proposing and ordinance promoting economic development and the mobile food truck industry in the City of Newton. [08/06/12 @4:46 PM]
PROG & SERV VOTED NO ACTION NECESSARY 6-0 on 11/19/14
ZAP VOTED NO ACTION NECESSARY 6-0 on 12/08/14
FINANCE TO MEET
NO ACTION NECESSARY 6-0 (Brousal-Glaser and Lennon not voting)

REFERRED TO FINANCE COMMITTEE

Monday, December 8, 2014

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

- #462-14 HIS HONOR THE MAYOR requesting authorization to temporarily increase the Purchasing Department staff by one (1) Full Time Equivalent Position for a period of up to one month. [11/24/14 @ 4:27 PM]
APPROVED 4-0-1 (Norton abstaining)

- #463-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of forty-three thousand eleven dollars and forty-nine cents (\$43,011.49) from various completed Capital Improvement Projects to cover the final costs of the construction and installation of modular classrooms at four elementary schools. [11/24/14 @ 3:43 PM]
APPROVED 5-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #466-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred fifty thousand dollars ((\$150,000) from bonded indebtedness for the purpose of funding HVAC improvements at the Senior Center as outlined in the FY 2015 Capital Improvement Plan. [11/24/14 @ 4:23 PM]
PUBLIC FACILITIES APPROVED 8-0 on 12/03/14
APPROVED 5-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #467-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred fifty thousand dollars ((\$150,000) from bonded indebtedness for the purpose of funding the replacement of the water heater at the F.A. Day Middle School as outlined in the FY 2015 Capital Improvement Plan. [11/24/14 @ 4:23 PM]
PUBLIC FACILITIES APPROVED 8-0 on 12/03/14
APPROVED 5-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #469-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred twenty-seven thousand five hundred dollars (\$127,500) from the ~~Energy Conservation Fund~~ **Free Cash** to the Public Buildings Department to replace the emergency electrical generator and transfer switch at Fire Station #1 in Newton Corner. [11/24/14 @ 4:23 PM]
PUBLIC FACILITIES APPROVED AS AMENDED 8-0 on 12/03/14
APPROVED AS AMENDED 5-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #456-14 HIS HONOR THE MAYOR recommending amendments to Chapter 29, Article II. **Water. and Sec. 29-80. Sewer** of the City of Newton Ordinances to allow for second water meters for outside water use and to restructure the water rate fee structure.
PUBLIC FACILITIES APPROVED AS AMENDED 6-2 (Brousal-Glaser and Laredo opposed)
APPROVED AS AMENDED 4-1 (Brousal-Glaser 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.