

REPORTS DOCKET

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Monday, April 1, 2013

7:45 PM, Newton City Hall

To be reported on

TUESDAY, APRIL 16, 2013

CITY OF NEWTON

IN BOARD OF ALDERMEN

REFERRED TO LAND USE COMMITTEE

Tuesday, April 2, 2013

Present: Ald. Hess-Mahan (Chairman), Ald. Laredo, Albright, Harney, Schwartz, and Fischman; absent Ald. Crossley; 1 vacancy; also present: Ald. Gentile

#61-13 STEPHEN EDSALL/MICHAEL J. CEDRONE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct 4 attached dwellings in 2 buildings; waive the side setback requirements; and locate a driveway within 10 feet of the side lot line at 288 NEVADA STREET, Ward 1, on land known as SBL 14, 8, 11, containing approx. 50,227 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 30-24, 30-23, 30-9(b)(5)a) and b) of the City of Newton Rev Zoning Ord, 2012.

APPROVED 5-0-1 (Fischman abstaining)

#258-12(2) BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit oriented development including an office building of approximately 225,000 sq. ft., a residential building containing 290 apartments with 5,000 sq. ft. of retail space, a three story building containing approximately 15,000 sq. ft. of retail space and approximately 8,000 sq. ft. of community space, and related site improvements; to permit office use on the ground floor, medical office use, retail and personal establishments of more than 5,000 sq. ft., eating and drinking establishments of more than 5,000 sq. ft., retail banking and financial services, and health club establishments on the ground floor; and reduced minimum setbacks of side setback of office building, and front setback of retail/community building; parking facility design standards including stall width, stall depth, maneuvering space for end stalls, minimum width for entrance and exit driveways, tandem stalls, number of required off-street loading facilities and design standards of same, landscape screening requirements, surfacing and curbing requirements and one foot candle lighting at

327 GROVE STREET, Ward 4, on land known as SBL 42, 11, 3A containing approx. 9.4 acres of land in a proposed Mixed Use 3 Transit Oriented Zoned district. Ref: Sec 30-13(f), Table A Footnote ; 30-13(g); 30-15(v)(1); 30-15, Table 3; 30-19(d)(22); 30-19(h); 30-19(h)(2)a); 30-19(h)(2)b); 30-19(h)(2)e); 30-19(h)(4)a); 30-19(h)(5)a); 30-19(i); 30-19(i)(1)a); 30-19(j); 30-19(j)(1)a); 30-19(j)(2)d); 30-19(l); 30-19(l)(2); 30-19(l)(3); 30-19(m); 30-23; 30-24; 30-24(i)(7) of the City of Newton Revised Zoning Ord, 2012. *(The public hearing, opened on 10/16/12, continued on 11/27/12, was closed on 12/18/12.)*

HELD 6-0

#272-12(3) BH NORMANDY OWNER, LLC petition to AMEND Special Permit/Site Plan Approval application #272-12, for which a public hearing was opened on October 9, 2012, with respect to EXTENDING a NONCONFORMING STRUCTURE to allow construction of a ramp on the easterly side of the Hotel Indigo at 399 Grove Street, Newton Lower Falls. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2012. *(The Public Hearing was opened on 11/27/12 and closed on 12/18/12.)*

HELD 6-0

#272-12 BH NORMANDY OWNER, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for several improvements to be completed over two phases. The first phase requires a special permit to (1) amend the current site plan by adding a pool deck awning; reconfiguring the delivery and trash pick-up area at the front of the hotel; reconfiguring the existing parking areas; reflecting existing and proposed signage; and reflecting existing wireless communications equipment; (2) extend a nonconforming structure by adding a pool deck awning; (3) obtain waivers for number of parking stalls and parking facility design standards including stall width, stall depth, handicap stall depth, maneuvering space for end stalls, maneuvering space for aisles, maximum width for entrance and exit driveways, landscape screening, interior landscaping, surfacing and curbing, one foot candle lighting, number of bicycle parking spaces, and design of loading facilities; and (4) authorize existing and proposed signage at 399 GROVE STREET, Ward 4.. The second phase anticipates that a portion of the applicant's lot will be conveyed or taken to provide rear access/egress to the proposed Riverside Development. This taking or conveyance would require special permit relief to (6) authorize an FAR greater than 1.0; (7) extend the existing nonconforming lot coverage; (8) obtain relief for the existing nonconforming building (i.e., height, number of stories and loading facility) as the building may be affected by a reduction in lot area; and (9) obtain a waiver for number of required parking stalls; all on land known as Section 42, Block 11, Lot 4 containing approximately 116,650 square feet of land in a Business 5 Zoned district. Ref: Sections 30-15, Table 3; 30-19(d)(3); 30-19(d)(13); 30-19(h); 30-19(h)(2)a); 30-19(h)(2)b); 30-19(h)(2)c); 30-19(h)(2)e); 30-19(h)(3)b); 30-19(h)(4)b); 30-19(i); 30-19(i)(1); 30-19(i)(2); 30-19(j); 30-19(j)(1)a); 30-19(j)(2)e); 30-19(k)(1); 30-19(l); 30-19(m); 30-20(f)(1); 30-20(f)(2); 30-20(f)(9); 30-20(l); 30-21(b); 30-23; 30-24; and 30-26(a)(1) of the

City of Newton Revised Zoning Ordinances, 2012. (*The Public Hearing, opened on 10/09/12, continued to 11/27/12, was closed on 12/18/12.*)

HELD 6-0

REFERRED TO LAND USE COMMITTEE

Tuesday, April 9, 2013

Present: Ald. Hess-Mahan (Chairman), Ald. Laredo, Harney, Crossley, Schwartz, Fischman, and Albright; 1 vacancy; also present: Ald. Ciccone and Lennon

Public Hearings were held on the following items:

#259-12(4) NINE RIPLEY LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to add an attached dwelling to an existing dwelling and to construct two additional attached dwellings for a total of four dwellings; to waive the side and rear setback requirements; allow a driveway 7.2 feet from a side lot line, and, to allow parking within the required side setback at 9 RIPLEY STREET, Ward 6, Newton Centre, on land known as SBL 65, 19, 20, containing approx. 19,367 sq. ft. 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, 30-19(g)(1), and (m) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; HELD

#105-13 J. STEPHEN COHEN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a one-story addition to the rear of an existing single-family house and to add a second garage bay to an existing single-car garage which will increase the Floor Area Ratio from .36 to .45 where .34 is allowed at 132 HAMMOND STREET, Ward 7, on land known as SBL 61, 12, 24, containing approximately 13,561 sq. ft. of land in a district zoned Single Residence 2. Ref: Sec 30-24, 30-23, 30-15(u)(2)Table A, and Table 1 of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; APPROVED 6-0-1 (Fischman abstaining)

#106-13 A&L AUTO SERVICE, LLC, ANTOINE DAHER, MANAGER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to AMEND special permit #559-70 in order to erect a one-story rear addition; delete the requirement for and reference to “wooden planters” and substitute in place thereof a 5-foot fence along the easterly property line at 414 WATERTOWN STREET, Ward 1, on land known as SBL 14, 15, 24, containing approximately 10,992 sq. ft. of land in a district zoned Business 2. Ref: Sec 30-24, 30-23, 30-11(g)(2) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; APPROVED 7-0

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, April 8, 2013

Present: Ald. Johnson (Chairman), Swiston, Sangiolo, Yates, Danberg, Baker and Kalis; absent: Ald. Lennon; also present: Ald. Hess-Mahan

Appointment by His Honor the Mayor

#126-13 PETER D. DOERINGER, 35 Pulsifer Street, Newtonville, appointed as an *alternate member* of the PLANNING AND DEVELOPMENT BOARD for a term to expire on February 1, 2018 (60 days 6/1/13). [03/21/13 @ 9:47AM]
APPROVED 5-0 (Swiston and Sangiolo not voting)

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, April 3, 2013

Present: Ald. Sangiolo (Chairman), Linsky, Hess-Mahan, Rice, Blazar, Baker and Fischman; 1 vacancy; also present: Ald. Yates, Johnson Lappin, Swiston, Albright and Crossley

Re-appointment by His Honor the Mayor

#110-13 MARY PANAGGIO, 108A JFK Circle, Newton, re-appointed as a member of THE NEWTON HOUSING AUTHORITY for term to expire February 21, 2018. (60 days 05/17/13) [03/07/13 @ 11:24 AM]
RECOMMEND TO HOLD 3-0 (Rice, Fischman, Hess-Mahan and Baker not voting)

Appointment by His Honor the Mayor

#109-13 GLORIA MASTROCOLA GAVRIS, 21 Monadnock Road, Chestnut Hill, appointed as a member of the LICENSING BOARD for a term to expire June 1, 2019. (60 days 05/17/13) [03/07/13 @ 11:24 AM]
APPROVED 5-0 (Fischman and Baker not voting)

#139-13 HIS HONOR THE MAYOR AND THE VICE PRESIDENT OF THE BOARD OF ALDERMEN requesting a discussion of reorganization plans to consolidate the elections Department into the City Clerk/Clerk of the Board's Office.
HELD 6-0 (Baker not voting)

#334-12 ALD. SWISTON AND LINSKY requesting a discussion with the Licensing Board regarding the licensing and permit requirements for non-profit organizations. [10/10/12 @ 3:52 PM]
HELD 6-0 (Baker not voting)

#230-12 ALD. SANGIOLO requesting the establishment of guidelines and policies regarding the creation of Neighborhood Area Councils particularly with respect to (1) boundary delineations and (2) description of area council authority. [08/06/12 @ 4:39PM]
HELD 7-0

- #144-12 ALD. HESS-MAHAN proposing to repeal the time restrictions for filing special permit applications/site plan reviews for Major Projects during July and August in Article X Section 5 of the Rules and Orders of the Board of Aldermen.
HELD 7-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, April 3, 2013

Present: Ald. Salvucci (Chairman), Albright, Gentile, Crossley, Laredo, and Lappin; absent: Ald. Lennon and Danberg; also present: Ald. Harney, Johnson and Yates

- #112-13 VERIZON NEW ENGLAND, INC. petitioning for a grant of location to relocate Pole # 78/4 on WILLIAMS STREET northerly 65'± from its current location in order to relocate service to a customer. (Ward 3) [02/27/13 @ 9:35 PM]
HELD 6-0

- #113-13 DESIGN REVIEW COMMITTEE in accordance with §5-58 of the City of Newton Ordinances petitioning for site plan approval for the following installation of modular classrooms:
- A) Four (4) modular classrooms with associated connectors at Bowen Elementary School, 280 Cypress Street (Ward 6)
 - B) One (1) modular classroom with associated connectors at Burr Elementary School, 171 Pine Street (Ward 4)
 - C) One (1) modular classroom with associated connectors at Horace Mann Elementary School, 687 Watertown Street (Ward 2)
 - D) Up to four (4) modular classrooms with associated connectors at Mason-Rice Elementary School, 149 Pleasant Street (Ward 6) [03/11/13 @ 2:41 PM]
- APPROVED 5-0 (Lappin not voting)**

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #135-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of seven hundred fifty thousand dollars (\$750,000) from Free Cash to the Department of Public Works Snow and Ice Removal accounts.
FINANCE APPROVED 7-0on 04/08/13
APPROVED 5-0 (Lappin not voting)

REFERRED TO PROGRAMS & SERV. AND PUBLIC FACILITIES COMMITTEES

- #315-12 ALD. FULLER, RICE AND GENTILE of the Angier School Building Committee providing updates and discussion on the Angier School Building project as it develops through the site plan approval process. [10-02-12 @ 3:37PM]
HELD 5-0 (Lappin not voting)

REFERRED TO FINANCE COMMITTEE

Monday, April 8, 2013

Present: Ald. Gentile (Chairman), Ciccone, Linsky, Salvucci, Blazar, Fuller and Lappin; absent: Ald. Rice; also present: Ald. Hess-Mahan

#116-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of four hundred thirty five thousand five hundred ten dollars (\$435,510) from the March 7, 2013 Declaration of Overlay Surplus as declared by the Chairman of the Board of Assessors to the Reserve for Statutory Interest on Property Tax Abatements. [03/11/13 @ 5:43 PM]
APPROVED 6-0 (Ciccone not voting)

#78-10(2) HIS HONOR THE MAYOR requesting amendments to the Financial Management Guidelines approved by the Board of Aldermen on April 12, 2011. [03/11/13 @ 5:43 PM]
APPROVED 6-0 (Ciccone not voting)

#118-13 HIS HONOR THE MAYOR requesting authorization to expend of ninety-six thousand dollars (\$96,000) from the Federal Emergency Management Agency (FEMA) FY 2012 Assistance to Firefighter Grant Program and to transfer the sum of twenty-four thousand dollars (\$24,000) from Fiscal Year 2013 Fire Department Operating Budget to meet the local match requirement for the purpose of training and certifying 24 Fire Department personnel to the highest level of "Technical Rescue" specialization. [03/11/13 @ 5:43 PM]
APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#135-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of seven hundred fifty thousand dollars (\$750,000) from Free Cash to the Department of Public Works Snow and Ice Removal accounts.
PUBLIC FACILITIES APPROVED 5-0 (Lappin not voting) on 04/03/13
APPROVED 7-0

#133-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one thousand dollars (\$1,000) from Free Cash to the Veterans' Services Full-Time Salary Account for the purpose of rectify an error in the Veteran Services Officer Salary line item. [03/25/13 @ 3:58 PM]
APPROVED 7-0

#134-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of thirty-seven thousand five hundred dollars (\$37,500) from the Newton Free Library Full-Time Salaries Account to a capital equipment account for the purpose of funding security cameras at the Newton Free Library. [03/25/13 @ 3:58 PM]
APPROVED 7-0

- #209-10(4) HIS HONOR THE MAYOR requesting that the Board of Aldermen establish an irrevocable Other Post Employment Benefits Trust Agreement. [02/25/13 @ 6:32 PM]
HELD 7-0
- #209-10(5) HIS HONOR THE MAYOR requesting that the Board of Aldermen direct the City Treasurer/Collector acting as custodian of the City's OPEB trust to invest all City OPEB trust funds with the State Retiree Benefits Trust Fund pursuant to Massachusetts General Law Chapter 32A, Section 24. [03/12/13 @ 4:03 PM]
HELD 7-0
- #14-13(2) HIS HONOR THE MAYOR requesting amendment of the Municipal Whistleblower Policy, which was approved by the Board of Aldermen on February 4, 2013, to provide a more consistent policy. [03/11/13 @ 5:43 PM]
HELD 7-0

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Trisha Guditz, 617-796-1156, via email at TGuditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date