

REPORTS DOCKET

May 7: Land Use Continued
May 8: Programs&Services; Public Safety&Transportation; Public Facilities Page 104
May 13: Finance; Zoning & Planning Monday, May 6, 2013
May 14: Land Use 7:45 PM, Newton City Hall
To be reported on
MONDAY, MAY 20, 2013

CITY OF NEWTON

IN BOARD OF ALDERMEN

REFERRED TO LAND USE COMMITTEE

Tuesday, May 7, 2013

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

#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.

APPROVED 3-0-3 (Hess-Mahan, Albright, Harney voting in the affirmative; Crossley, Laredo, Schwartz 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.) 90-Days 6/20/13*

HELD 6-0

REFERRED TO LAND USE COMMITTEE

Tuesday, May 14, 2013

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

Public Hearings were held on the following items:

#140-13 WILLIAM & ALICE KELLY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 2-story addition to the right side and rear of an existing single-family dwelling, increasing the Floor Area Ratio from .39 to .50 where .40 is allowed by right, at 12 FELLSMERE ROAD, Newton Centre, Ward 7, on land known as SBL 73, 37, 8, containing approx. 8,500 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15(u), 30-15 Table A of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; APPROVED 6-0

#141-13 ZION YEHOASHUA & NIKZUN GORDON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to re-grade an existing driveway to make it less steep by rebuilding existing retaining walls within the setback at a maximum height of 6 feet and to provide 2 parking spaces with the front setback at 74 NEWTONVILLE AVENUE, Newton, Ward 1, on land known as SBL 12, 21, 25 containing approx. 10,021 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-19(g)(1), 30-19(m), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2012.

HEARING CONTINUED TO A DATE TO BE DETERMINED

#211-12(2) ROBERT & PATRICIA WELBOURN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct several retaining walls greater than four feet in height within a side setback and to waive if necessary the minimum driveway width of 12 feet to accommodate an existing city-owned tree in conjunction with a new single-family dwelling at 24 WILDE ROAD, Waban, Ward 5, on land known as SBL 55, 19, 5, containing approx. 8,446 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-5(b)(4) 30-19(g), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED

#142-13 ELIZABETH & PETER NURCZYNSKI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct a 510 sf addition to the first floor unit of an existing 2-family dwelling, which will increase the Floor Area Ratio from .56 to .65, where .54 is allowed by right, at 99-101 ATWOOD AVENUE, Newtonville, Ward 2, on land known as SBL 22, 23, 8, containing approx. 7,434 of land in a district zoned MULTI RESIDENCE 1. Ref: 30-24, 30-23, 30-21(a)(2)b), 30-15(u), 30-15 Table A of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED

#143-13 DANA J. KATZ, TRUSTEE, DK REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to construct an addition of approx. 1,280 sf to an existing building and to locate parking stalls within 2 feet of a side lot line and for various waivers from lighting, landscaping, and bicycle parking requirements at 176 BOYLSTON STREET (*Miltons Store for Men*), Chestnut Hill, Ward 7, on land known as SBL 82, 2, 18 in a district zoned BUSINESS 4. Ref: Sec 30-24, 30-23, 30-21, 30-19(h)(1), 30-19(i)(1)a), and (2), 30-19(j), 30-19(k) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; APPROVED 6-0

#144-13 CLAUDIA JOSEPH & SEAN DOHERTY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE by adding a 94.5 sf mudroom at the rear of an existing two-family dwelling and to fill in a 14.5 sf corner of the kitchen at 140 CHURCH STREET, Newton Corner, on land known as SBL 72, 6, 4, containing approx. 9,070 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u), 30-15 Table A of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; APPROVED 6-0

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, May 13, 2013

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

#108-13 ECONOMIC DEVELOPMENT COMMISSION submitting its 2012 annual report as required by City of Newton Ordinances, **Chapter 22, Section 92**. [03/07/13 @ 1:17 PM]

NO ACTION NECESSARY 7-0

#127-13 ALD. GENTILE, HARNEY, SANGIOLO proposing to amend **Chapter 30, Section 15(c)(1)b)** of the City of Newton Zoning Ordinances by increasing the lot size from “at least five thousand (5,000) square feet of area” to “at least seven thousand (7,000) square feet of area”. [03/25/13 @10:14 AM]

NO ACTION NECESSARY 7-0

#77-13 ALD. GENTILE & HARNEY requesting that the Board of Aldermen amend the **City of Newton Zoning Ordinances** so that any properties that have been built and purchased that may now be considered non-compliant due to the recent court decision in the Mauri/Chansky case be considered valid non-conforming properties. [02/27/13 @ 3:06 PM]
HELD 7-0

#146-13 THE ZONING & PLANNING COMMITTEE requesting information from the Planning Department concerning the nature and character of vacant lots that were confirmed as unbuildable by the Mauri Appeals Court decision. [04/01/13 @ 9:44 AM]
HELD 6-0 (Lennon recused)

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, May 8, 2013

Present: Ald. Sangiolo (Chairman), Linsky, Rice, Blazar, Fischman and Baker; absent: Ald. Hess-Mahan; 1 vacancy; also present: Ald. Harney

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]
APPROVED SUBJECT TO 2nd CALL 3-0-1 (Linsky abstaining; Baker and Fischman not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#170-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of fifty-five thousand dollars (\$55,000) from B.A.A. Marathon Receipts for the purpose of purchasing \$30,000 of Fibar and playground repair parts equipment to replace worn, defective, or unsafe playground parts and to purchase \$25,000 of playground equipment at the Peirce School Playground and Hyde Playground.. [04/29/13 @ 6:05 PM]
FINANCE APPROVED 6-0 (Ciccione not voting) on 05/13/13
APPROVED 4-0 (Baker and Fischman not voting)

A Public hearing was held on the following item:

#147-13 HIS HONOR THE MAYOR requesting approval to implement a reorganization plan in order to consolidate the Elections Department into the City Clerk's Department under **Article 6, Sec. 6-2.** of the City of Newton Charter. [04/08/13 @ 5:02 PM]
HEARING CLOSED; APPROVED 5-0 (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.
NO ACTION NECESSARY 5-0 (Baker not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #171-13 ALD. LENNON AND LAPPIN requesting an amendment to Chapter 4, Section 21 of the City of Newton Revised Ordinances 2012 to adjust the salary of the City Clerk/Clerk of the Board of Aldermen to reflect the added responsibilities and duties of overseeing the city's election functions. [04/17/13 @ 12:50 PM]
FINANCE APPROVED 7-0 on 05/13/13
APPROVED 5-0 (Baker not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, May 8, 2013

Present: Ald. Ciccone (Chair), Fuller, Yates, Kalis, Harney, Johnson and Swiston; absent: Ald. Schwartz

- #148-13 ALD. YATES, requesting a report from the Police Chief on the amount of funding for police training mandated by the state but unfunded and a report from the City Solicitor on individual or multi-community efforts to obtain relief from this unfunded mandate. [04/05/13 @ 9:11 AM]
NO ACTION NECESSARY 7-0

- #35-13 ALD. YATES, requesting an update from the Chief of Police on the status of the recommendation of the Police Department on school security in a 2008 report. [01/14/13 @ 1:34 PM]
NO ACTION NECESSARY 7-0

- #149-13 DEO TUMWINE, 24 Crescent Street, Suite 307, Waltham, MA 02453, requesting **two (2) new bus licenses** for HORIZON BUS LINE. [04/02/13 @ **APPROVED 7-0**

- #69-12 DANIEL HERMON, One International Place, 100 Oliver Street, Suite 1400, Boston, MA 02110 requesting issuance of a van license to operate Dan's Coach in Newton. [03/08/12 @ 2:16 PM]
NO ACTION NECESSARY 7-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, May 8, 2013

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

#151-13 NATIONAL GRID petitioning for a grant of location to install and maintain 140' ± of 4" gas main in COBB PLACE from the existing 4" gas main in Dwhinda Road westerly to 36 Cobb Place. (Ward 5) [03/27/13 @ 2:21PM]

APPROVED 4-0 (Gentile not voting)

#61-13(2) CONSERVATION COMMISSION requesting that the Board of Aldermen authorize the Mayor to abandon a portion of a flowage easement located at 288 Nevada Street. (Ward 1) [04/29/13 @ 3:34 PM]

APPROVED 4-0 (Gentile not voting)

#394-12 DESIGN REVIEW COMMITTEE in accordance with §5-58 of the City of Newton Ordinances petitioning for schematic design and site plan approval for the proposed new Fire Station 10 (755 Dedham Street) with the inclusion of a possible Wires Division building on the site of the existing Fire Station 10.

APPROVED 5-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#174-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred fifty thousand dollars (\$150,000) to fund continued design of Fire Station #10 (Dedham Street) and the Wires Division from the following accounts:

Capital Stabilization – Unrestricted Capital Purposes	\$54,132
Capital Stabilization – Fire Station Renovations	\$12,880
Overlay Surplus	\$14,490
Budget Reserve	\$4,679
Public Buildings – Unexpended Salaries	\$63,819

[04/29/13 @ 6:05 PM]

FINANCE APPROVED 7-0 on 05/13/13

APPROVED 5-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#311-10(A) HIS HONOR THE MAYOR requesting an appropriation in the amount of three million three hundred thirty-five thousand dollars (\$3,035,000) from bonded indebtedness for the purpose of funding the FY 2011 Capital Improvement Plan projects as follows: [11/29/ 10 @ 3:23 PM]

Architectural Design and Engineering/Next Scheduled Fire Station - \$400,000
A-2 - HELD 6-0 \$270,000 for final design bidding and construction admin on 12/08/10

FINANCE VOTED NO ACTION NECESSARY 7-0 on 05/13/13

NO ACTION NECESSARY 5-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #172-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred four thousand dollars (\$104,000) from the Capital Stabilization Fund (Completed Bond Financed Projects) for the purpose of covering the additional funds needed for the Lincoln Eliot Elementary School HVAC project. [04/29/13 @ 6:06 PM]
FINANCE APPROVED 7-0 on 05/13/13
APPROVED 4-0-1 (Gentile abstaining)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #41-13 ALD. CROSSLEY, FULLER AND SALVUCCI requesting a discussion with the administration to review how the city inventories, plans for, budgets and accounts for needed smaller capital expenditures (currently set at under \$75,000), which are excluded from the Capital Improvement Plan (CIP); how to make these non-CIP capital maintenance items visible, and how to integrate them with the overall planning, CIP, and budgeting processes. [01/14/13 @ 5:02 PM]
HELD 4-0 (Gentile 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

REFERRED TO FINANCE COMMITTEE

Monday, May 13, 2013

Present: Ald. Gentile (Chairman), Ciccone, Linsky, Salvucci, Blazar, Fuller and Lappin; absent: Ald. Rice

- #164-13 HIS HONOR THE MAYOR requesting authorization to expend the sum of thirty thousand dollars (\$30,000) received from the Newton Health Care Center as a donation for the purpose of funding a needs assessment of the senior population in the City of Newton. [04-29-13 @ 6:06 PM]
APPROVED 6-0 (Ciccone not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #170-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of fifty-five thousand dollars (\$55,000) from B.A.A. Marathon Receipts for the purpose of purchasing \$30,000 of Fibar and playground repair parts equipment to replace worn, defective, or unsafe playground parts and to purchase \$25,000 of playground equipment at the Peirce School Playground and Hyde Playground.. [04/29/13 @ 6:05 PM]
PROGRAMS & SERVICES APPROVED 4-0 on 05/08/13
APPROVED 6-0 (Ciccone not voting)

- #169-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of seventy-eight thousand dollars (\$78,000) from the Information Technologies Full-time Salaries Account to a capital equipment account for the purpose of funding hardware needed to develop a disaster recovery option for the city's financial systems. [04/29/13 @ 6:06 PM]
APPROVED 6-0 (Ciccione not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #171-13 ALD. LENNON AND LAPPIN requesting an amendment to Chapter 4, Section 21 of the City of Newton Revised Ordinances 2012 to adjust the salary of the City Clerk/Clerk of the Board of Aldermen to reflect the added responsibilities and duties of overseeing the city's election functions. [04/17/13 @ 12:50 PM]
PROGRAMS & SERVICES APPROVED 5-0 on 05/08/13
APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #172-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred four thousand dollars (\$104,000) from the Capital Stabilization Fund (Completed Bond Financed Projects) for the purpose of covering the additional funds needed for the Lincoln Eliot Elementary School HVAC project. [04/29/13 @ 6:06 PM]
PUBLIC FACILITIES APPROVED 4-0-1 (Gentile abstaining) on 05/08/13
APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #174-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred fifty thousand dollars (\$150,000) to fund continued design of Fire Station #10 (Dedham Street) and the Wires Division from the following accounts:

Capital Stabilization – Unrestricted Capital Purposes	\$54,132
Capital Stabilization – Fire Station Renovations	\$12,880
Overlay Surplus	\$14,490
Budget Reserve	\$4,679
Public Buildings – Unexpended Salaries	\$63,819

[04/29/13 @ 6:05 PM]

PUBLIC FACILITIES APPROVED 5-0 on 05/08/13

APPROVED 7-0

- #167-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty-two thousand dollars (\$22,000) within the Water Enterprise Fund to fund the final Massachusetts Water Resource Authority assessment for water charges for the City of Newton. [04/29/13 @ 6:06 PM]
APPROVED 7-0

#168-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of twenty-five thousand dollars (\$25,000) from Storm Water Surplus for the purpose of purchasing catch basin inserts to filter pollution from storm water runoff around Crystal Lake. [04/29/13 @ 6:05 PM]

APPROVED 7-0

#323-12(2) HIS HONOR THE MAYOR requesting amendments to Chapter 27 TAXATION of the City of Newton Revised Ordinances 2012 to create a Veteran's Tax Work-Off Program Ordinance and to Chapter 27 Section 20 of Article II SENIOR CITIZEN VOLUNTEER PROGRAM. (NB The Board of Aldermen accepted Massachusetts General Law Chapter 59, Section 5N to establish a Veteran's Tax Work-Off Program on December 3, 2012) [04/29/13 @ 6:06 PM]

HELD 7-0

#165-13 HIS HONOR THE MAYOR requesting the establishment of three new reserve accounts within the Capital Stabilization Fund as follows:

- Capital Stabilization Fund – 2013 Override Projects
- Capital Stabilization Fund – Energy Conservation Projects
- Capital Stabilization Fund – Public School Technology

[04/29/13 @ 6:05 PM]

APPROVED 7-0

#166-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of seventy-four thousand eight hundred seventy-six dollars (\$74,876) from Free Cash to fund the April 2013 Bond Issuance Costs. [04/29/13 @ 6:05 PM]

APPROVED 7-0

#175-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of ten thousand dollars (\$10,000) from the Executive Office's Full-time Salaries Account and the sum of seven thousand eight hundred seventeen dollars (\$7,817) from the Comptroller Department's Full-time Salaries Account to the Purchasing Department's Office Equipment Account for the purpose of purchasing an office machine to handle bulk mail functions. [05-03-13 @ 1:48 PM]

APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#311-10(A) HIS HONOR THE MAYOR requesting an appropriation in the amount of three million three hundred thirty-five thousand dollars (\$3,035,000) from bonded indebtedness for the purpose of funding the FY 2011 Capital Improvement Plan projects as follows: [11/29/ 10 @ 3:23 PM]

Architectural Design and Engineering/ Next Scheduled Fire Station \$400,000
 A-2 - HELD 6-0 \$270,000 for final design bidding and construction admin on 12/08/10

PUBLIC FACILITIES VOTED NO ACTION NECESSARY 5-0 on 05/08/13
NO ACTION NECESSARY 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.