

DOCKET

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Monday, July 8, 2013

7:45 PM, Newton City Hall

To be reported on

MONDAY, AUGUST 12, 2013

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 Hearings to be assigned for August 13, 2013:

- #229-13 NEEDHAM CHESTNUT REALTY, LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and for a NONCONFORMING STRUCTURE to demolish an existing single-story building of approximately 14,084 s.f. and construct a new single-story building containing approximately 7,140 s.f. to be used for retail and restaurant purposed and to waive certain dimensional requirements such as minimum aisle wider, lighting, loading docket, interior landscaping, etc. at 170 NEEDHAM STREET, Ward 8, on land known as SBL 83, 28, 2 containing approx. 24,422 s.f. of land in a district zoned MIXED USE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-13(b), (b)(1) and (5), 30-19(m), 30-19(h)(3), (j)(1), (l) of the City of Newton Rev Zoning Ord, 2012.
- #230-13 FALLON CUSTOM HOMES/CELINE GREGOIRE & YVES RAYMOND petition for a SPECIAL PERMIT/SITE PLAN APPROVAL/EXTENSION of a NONCONFORMING STRUCTURE to enclose an existing open porch to create a mudroom of approximately 122 s.f. and to build a new enclosed basement staircase, which will increase the Floor Area Ratio from .46 to .48, exceeding the .39 maximum allowed by right, at 31 LORING STREET, Ward 7, Newton Centre, on land known as SBL 73, 29, 5, containing approximately 11,374 s.f. of land in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-21(b), 30-15(u) 30-15 Table A of the City of Newton Rev Zoning Ord, 2012.

- #231-13 JAMES KOERT, CU, INC. d/b/a/ MyGym/DAN WOOLEY & JOHN FINLEY III, TRUSTEES c/o CREATIVE DEVELOPMENT CO., LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to locate a for-profit physical educational use for children at 30 OSSIPEE ROAD/70 LINDEN STREET, Ward 5, Newton Upper Falls, on land known as Sec. 51, Blocks 34 and 35, Lots 1 and 2 in a district zoned MANUFACTURING. Ref: Sec 30-24, 30-23 and 30-5(b)(2) of the City of Newton Rev Zoning Ord, 2012.
- #232-13 TRACY & LARRY RICHMOND petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 3-car attached garage and add second-floor space and expand the kitchen, increasing the Floor Area Ratio from .28 to .35, where .29 is allowed by right, at 38 BEEHCROFT ROAD, Ward 7, on land known as SBL 72, 35, 2, containing approximately 19,058 s.f. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15(u), 30-15 Table A.
- #233-13 DAVID SANDS, TRUSTEE of 37 BALDPATE HILL ROAD NOMINEE TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE in order to expand an existing mudroom and to construct a rear addition to the first and second floors, increasing the Floor Area Ratio from .36 to .41, where .29 is allowed by right, at 37 BALDPATE HILL ROAD, Ward 8, on land known as SBL 82, 25, 52, containing approximately 23,455 s.f. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b) 30-15 Table A, 30-15(u) of the City of Newton Rev Zoning Ord, 2012.
- #234-13 PETER G. SMICK petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to widen an existing driveway to allow side-by-side parking for two cars in the front setback including the removal of an existing retaining wall at 48 SUMMIT STREET, Ward 1, Newton, on land known as SBL 12, 21, 28, containing approximately 5,010 s.f. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-19(g)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.
- #235-13 JACOB & ASSOCIATES INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING USE/STRUCTURE for the addition of a canopy over gasoline pumps and if necessary for a freestanding sign at an existing gasoline service station at 1232-1236 WASHINGTON STREET, Ward 3, West Newton, on land known as SBL 31, 4, 14, containing approximately 20,933 s.f. of land in a district zoned BUSINESS 1. Ref: Sec. 30-24, 30-23, 30-21(a)(2)a, and 30-20(l) of the City of Newton Rev Zoning Ord, 2012.

- #218-13(2) FALLON DEVELOPMENT INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a rear lot subdivision to construct two single-family dwellings, including if necessary relief to locate the proposed rear house further away from the proposed rear lot line at 131 OTIS STREET, Ward 2, Newtonville, on land known as SBL 24, 12, 16, containing approximately 48,677 sq. ft. of land, in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-15(r), 30-15(r) Table 4 Footnote 3 of the City of Newton Rev Zoning Ord, 2012.
- #236-13 CHARLES RIVER COUNTRY CLUB petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING USE to expand the existing clubhouse loggia by approximately 427 s.f.; to add a Bag Room (approximately 1,080 s.f.) adjacent to the 1st fairway; to expand the props shop (approximately 43 s.f.), to expand the second floor Pub over the props shop by approximately 951 s.f. , and to fill in on each of three levels at the left of the building (approximately 819 s.f.), all of which proposed changes will bring the building interior up to current regulations and codes, making it more accessible, and define separation of users and service providers at 483 DEDHAM STREET, Ward 8, on land known as Sec 83 and 84, Blocks 34, 35, 36, Lots 1 and 4, containing approximately 6,466,022 s.f. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)a), 30-21(b), 30-8(b)(5) of the City of Newton Rev Zoning Ord, 2012 and special permit nos.136-10, 261-96, 48-87, 36-74, and #108006.
- #237-13 SEVENTY FIVE to SEVENTY SEVEN AUBURN ST. TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to reconfigure an existing two-family dwelling into three units with a 2-car garage and to construct two additional attached dwelling units with 2-car garages at the rear for a total of five units at 75-77 AUBURN STREET, Ward 3, Auburndale, on land known as SBL 33, 6, 42, containing approximately 31,437 square feet of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15 Table 1, 30-9(b)(5) and (b)(5)b), of the City of Newton Rev Zoning Ord, 2012.

OTHER COMMUNICATIONS

- #238-13 NEWTON RETIREMENT BOARD awarding eligible contributory and non-contributory pensioners of the Newton Retirement System a 3% FY2014 cost of living adjustment which is applied to the first \$12,000 of an eligible retirement allowance pursuant to Chapter 32, section 103(i),

Zoning Board of Appeals Decision, May 28, 2013:

- #105-13(2) ZBA # 9-13 J. STEPHEN COHEN petition for a variance from the front yard setback requirement in order to construct an addition which will include an addition garage bay and second-floor sitting room at 132 HAMMOND STREET, Ward 7.

DENIED

REFERRED TO ZONING & PLANNING COMMITTEE

Appointment by His Honor the Mayor

- #239-13 ROGER S. WYNER, 16 Pettee Street, Newton Upper Falls, appointed as a *full* member of the PLANNING AND DEVELOPMENT BOARD for a term to expire June 3, 2018.
(60 days 09/06/13) [06/12/13 @ 9:02 AM]

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Appointment by His Honor the Mayor

- #240-13 HOLLY GUNNER, 49 Janet Road, Newton Centre, appointed as a member of the NEWTON COUNCIL ON AGING for a term to expire June 1, 2016.
(60 days 09/06/13) [06/12/13 @ 9:02 AM]

Appointment by His Honor the Mayor

- #241-13 CAROL ANN SHEA, 24 Milo Street, West Newton, appointed as a member of the NEWTON COUNCIL ON AGING for a term to expire June 1, 2016.
(60 days 09/06/13) [06/12/13 @ 9:02 AM]

Appointment by His Honor the Mayor

- #242-13 CAROL ROSE, 865 Boylston Street, Newton Highlands, appointed as a member of the NEWTON COUNCIL ON AGING for a term to expire June 1, 2016.
(60 days 09/06/13) [06/12/13 @ 9:01 AM]

Appointment by His Honor the Mayor

- #243-13 DIANE SOSTEK, 44 Alderwood Road, Newton Centre, appointed as a member of the NEWTON COUNCIL ON AGING for a term to expire June 1, 2016.
(60 days 09/06/13) [06/12/13 @ 9:01 AM]

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

- #244-13 ALD. SWISTON, on behalf of Beth Birnham, 24 Stanley Road, Waban, requesting the development of a wildlife management plan that may include a communications policy, a citizen group and public education. [06/12/13 @ 2:56 PM]

REFERRED TO PUBLIC FACILITIES COMMITTEE

Public hearing to be assigned for July 10, 2013:

- #245-13 NSTAR ELECTRIC petitioning for a grant of location to install:
- 279'± of conduit in ROYCE ROAD from a proposed manhole (MH28599) at the intersection of Morton Road and Royce Road in an easterly direction to Manhole # MH8531.
 - 392'± of conduit in MORTON STREET from Manhole #MH8531 in a southerly direction to a proposed manhole (MH27976) at the intersection of Morton Street and Morton Road.
 - 747'± of conduit in MORTON ROAD from the proposed manhole at the intersection of Morton Street and Morton Road in a westerly direction thence turning in a northerly direction at a proposed manhole (MH27975) continuing 120' ± to a proposed manhole (MH28603) thence continuing in a northerly direction to the intersection of Morton Road and Royce Road. (Ward 2) [06/18/13 @ 12:09 PM]

Public hearing to be assigned for July 10, 2013:

- #246-13 NATIONAL GRID petitioning for a grant of location to install and maintain 50' ± of 4" gas main in LARKIN ROAD from the existing 4" gas main at 31 Larkin Road westerly to 25 Larkin Road. (Ward 3) [06/19/13 @ 10:35 AM]

Public hearing to be assigned for July 10, 2013:

- #247-13 NATIONAL GRID petitioning for a grant of location to install and maintain 225' ± of 4" gas main UPLAND AVENUE from the existing 4" gas main in Rachel Road northerly to 355 Upland Avenue. (Ward 8) [06/27/13 @ 12:59 PM]

Public hearing to be assigned for July 10, 2013:

- #248-13 NATIONAL GRID petitioning for a grant of location to install and maintain 35' ± of 4" gas main in MAYNARD STREET from the existing 4" gas main in Emmons Street westerly to 66 MAYNARD STREET. (Ward 3) [06/27/13 @ 12:59 PM]

REFERRED TO FINANCE COMMITTEE

Reappointment by His Honor the Mayor

- #249-13 JAMES A. PELLEGRINE, 60 Clinton Street, Newton, re-appointed as a Constable for the City of Newton for a term of office to expire June 25, 2016. (60 days) 09/06/13 @ 10:42 AM]

Reappointment by His Honor the Mayor

- #250-13 SHAWN MURPHY, 11 Morrill Street, West Newton, re-appointed as a Constable for the City of Newton for a term of office to expire June 25, 2016. (60 days) 09/06/13 @ 10:42 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #251-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of four hundred thousand dollars (\$400,000) from bonded indebtedness for the purpose of funding the design and construction of a single salt shed at the Crafts Street Department of Public Works Yard. [07/01/13 @ 1:06 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #252-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of four hundred sixteen thousand dollars (\$416,000) from bonded indebtedness for the purpose of funding the remaining design funds for the Station 10/Wires Division Project. [07/01/13 @ 1:06 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #253-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of eighty five thousand one hundred forty-six dollars (\$85,146) within the FA Day Middle School Project Board Order from the Board of Aldermen's Contingency Account to the Mayor's Contingency Account. [07/01/13 @ 1:06 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #254-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two million three hundred twenty-eight thousand eight hundred fifty-eight dollars (\$2,328,858) from the MSBA Final Newton North High School Reimbursement Fund Balance to a one-time lump sum payment towards the Massachusetts School Building Authority Loan for the Newton North High School Project. [07/01/13 @ 1:06 PM]

REFERRED TO PROG & SERV, PUBLIC FACIL, AND FINANCE COMMITTEES

- #255-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one million dollars (\$1,000,000) from bonded indebtedness for the purpose of funding the feasibility/environmental studies and associated schematic design services for the renovation or replacement of the Zervas Elementary School. [07/01/13 @ 1:06 PM]