

DOCKET

Land Use: August 13

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Monday, August 12, 2013

7:45 PM, Newton City Hall

To be reported on

TUESDAY, SEPTEMBER 3, 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

Request for Withdrawal without Prejudice:

- #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.
- #179-13(2) AGREEMENT to an EXTENSION of TIME in which to ACT on petition #179-13 for a special permit to construct single-family attached dwelling(s) containing 5 units and to waive the 10-foot driveway setback requirements and for a retaining wall greater than 4 feet located within a setback at 22 and 26 BEECHER TERRACE, Ward 6; said EXTENSION will run from September 9, 2013 to October 31, 2013.
- #148-11(5) REQUEST FOR AN EXTENSION OF TIME in which to EXERCISE Special Permit/Site Plan Approvals #148-11(2) and #148-11(3) granted to Constantine Taleas, Trustee of Border Trust and Elm Trust on December 5, 2011 for an addition to an existing nonconforming structure consisting of a three-story mixed-use building with commercial space on the first floor and four dwelling units on the second and third floors at 8 BORDER STREET and 115-119 ELM STREET, West Newton, Ward 3; said EXTENSION will run from December 5, 2012 to December 5, 2013. Ref: Sec. 30-24(c)(4) of the City of Newton Rev Zoning Ord, 2012.

- #257-13 WELLS AVENUE BUSINESS CENTRE, 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 a day care center to operate at 145 WELLS AVENUE, Ward 8. *NOTE: Public Hearing not required.*
- #258-13 THE TRIMOUNT FOUNDATION, INC. requesting the extension of Special Permit Board Order #810-76, granted on February 7, 1977 for an educational institution at 80 CLAREMONT STREET, Ward 2, on land known as SBL 13, 14, containing approximately 87,591 square feet of land in a district zoned SINGLE RESIDENCE 2.
- Public Hearings to be assigned for September 10, 2013:*
- #141-13(2) 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 12 feet and to provide 2 parking spaces within 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.
- #259-13 CYPRESS DEVELOPMENT, LLC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NON-CONFORMING USE/STRUCTURE to allow the expansion of a legal nonconforming three-family dwelling and to locate 4 parking stalls 6 feet from the side lot line at 43-45 HIGH STREET, Newton Upper Falls, Ward 5, on land known as SBL 51, 8, 5, containing approximately 25,618 square feet of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)a), 30-21(b), 30-9(b)(5)a) and b), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.
- #260-13 COREPOWER YOGA/TAURAU ONE NEWTON PLACE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL for a parking waiver for 9 parking stalls for a yoga studio with locker room facilities at 275 WASHINGTON/284-291 CENTRE STREET, Ward 1, NEWTON CORNER on land known as SBL 61, 13, 11, containing approximately 78,813 square feet of land in a district zone BUSINESS 1. Ref: 30-24, 30-23, 30-19(d)(21), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

The following item, approved by the Board of Aldermen on December 3, 2012, was the subject of an appeal by the Greater Boston Chinese Cultural Association to Massachusetts Land Court on December 20, 2012; on January 30, 2013 the Land Court remanded the item for a new public hearing to be assigned for September 10, 2013:

- #190-12 YOUNG INVESTMENTS, LLC/NEWTON COMMUNITY SERVICE CENTER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing 2-story building and construct a 3-story (36.5') multi-family structure with 13 units (with a 1.47 FAR), 996 sq. ft. of office space on the first floor, an 18-stall below grade parking garage, a retaining wall greater than 4 feet in height in the setback, and to waive 11 parking stalls and certain parking dimensionals at 429 CHERRY STREET, Ward 3, WEST NEWTON, on land known as SBL 33, 12, 12, containing approximately 13,398 sq. ft. of land in district zoned Business 1. Ref: Sec 30-24, 30-23, 30-15 Table 3, 30-11(d)(8), 30-5(b) and (b)(4), 30-19(d)(1), (d)(11), 30-19(h)(3), and 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

OTHER COMMUNICATIONS

- #261-13 ALD. YATES offering a MEMORIAL RESOLUTION for SUZANNE SPATZ, a longtime volunteer for various city agencies and member of the Newton Council on Aging who was instrumental in securing funding for the Newton Senior Center, who passed away on May 29, 2013 at the age of 94 years.

Appeal to Zoning Board of Appeals

- #262-13 EDDY A. LUTTMER & LEE A. HINRICHS LUTTMER filing on August 2, 2013 an appeal from Commissioner of Inspectional Services determination that 318 River Street, West Newton is not a legal two-family dwelling.

REFERRED TO ZONING & PLANNING COMMITTEE

Public hearing to be assigned for September 23, 2013:

- #406-12(2) ALD. JOHNSON requesting that the existing provisions of Sec. 30-20(h)(6) *Election signs*. be deleted and that the following provisions be inserted in place thereof: "Election signs may erected no earlier than forty-five (45) days before an election and shall be removed within seven (7) days after the election."
- #406-12(3) ZONING & PLANNING COMMITTEE requesting a discussion to review City of Newton Zoning Ordinances Chapter 30-20(h)(6) regarding the size and number of campaign signs allowed on lots. [08/15/13 @ 4:37PM]
- #263-13 ALD. JOHNSON & ALBRIGHT requesting that the Planning Department document a clear and transparent process for the establishment of housing that complies with Massachusetts Chapter 40B statute so that citizens are knowledgeable of the steps needed, decision making points and decision makers. [07/15/13 @ 2:09PM]

- #264-13 ALD. YATES requesting that the Zoning Reform Group or its successor consider amending City of Newton Zoning Ordinances Chapter 30 to develop additional residential districts reflecting the small lots in older sections of the City and map changes to bring the zones of more residential sections of the City into conformity with the existing land uses. [08/05/13 @ 12:28PM]
- #265-13 ALD. YATES requesting a report from the Law Department on the decision by the U.S. Supreme Court on the *Koontz vs. St. Johns River Water Management District* and its possible impact on the City's zoning ordinances. [08/05/13 @ 12:28PM]
- #266-13 ALD. YATES requesting that the Law Department provide the Zoning & Planning and Land Use Committees and other interested members of the Board with legal advice on what parties have standing to challenge zoning ordinances and the relevant court cases involving uniformity. [08/05/13 @ 12:28PM]
- #267-13 LAND USE COMMITTEE proposing to amend Section 30-21(c) to permit de minimis relief for alternations, enlargements, reconstruction of or extensions to lawfully nonconforming structures in which the nonconformity is due to Floor Area Ratio (FAR) requirements set out in section 30-15(u) Table A, subject to administrative review by the Planning Department.
- Appointment by His Honor the Mayor
#268-13 BERI GILFIX, 121 Cherry Street, West Newton, appointed as a member of the COMMUNITY PRESERVATION COMMISSION for a term to expire July 10, 2016. (60 days 10/11/13) [07/16/13 @ 4:49PM]
- Appointment by His Honor the Mayor
#269-13 JANICE CAILLET, 104 Eldredge Street, Newton, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire June 28, 2016. (60 days 10/11/13) [07/16/13 @ 4:49PM]
- Re-appointment by His Honor the Mayor
#270-13 NORMAN RICHARDSON, 372 Waltham Street, West Newton, re-appointed as a member of the CONSERVATION COMMISSION for a term to expire July 10, 2016. (60 days 10/11/13) [07/16/13 @ 4:50PM]
- Re-appointment by His Honor the Mayor
#271-13 JANE BROWN, 104 Atwood Avenue, Newtonville, re-appointed as a member of the NEWTON COMMISSION ON DISABILITY for a term to expire on June 30, 2014. (60 days 10/11/13) [07/16/13 @ 4:50PM]

Re-appointment by His Honor the Mayor

#272-13 ROSEMARY LARKING, 1600 Washington Street, West Newton, re-appointed as a member of the NEWTON COMMISSION ON DISABILITY for a term to expire June 30, 2015. (60 days 10/11/13) [07/16/13 @ 4:48PM]

Appointment by His Honor the Mayor

#273-13 JEAN FULKERSON, 51 Middlesex Road, Chestnut Hill, appointed as a member of the NEWTON HISTORICAL COMMISSION for a term to expire July 10, 2016. (60 days 10/11/13) [07/16/13 @ 4:48PM]

Appointment by His Honor the Mayor

#274-13 MARK ARMSTRONG, 61 Vaughn Avenue, Newton Highlands, appointed as an architect member of the NEWTON HISTORICAL COMMISSION for a term to expire July 23, 2016. (60 days 10/11/13) [07/26/13 @ 2:14PM]

Appointment by His Honor the Mayor

#275-13 LAURA FITZMAURICE, 67 Fisher Avenue, Newton Highlands, appointed as an *alternate member* of the NEWTON HISTORICAL COMMISSION for a term to expire July 10, 2015. (60 days 10/11/13) [07/16/13 @ 4:48PM]

Appointment by His Honor the Mayor

#276-13 ELLEN KLAPPER, 46 Cochituate Road, Newton Highlands, appointed as an *alternate member* of the NEWTON HISTORICAL COMMISSION for a term to expire July 10, 2015. (60 days 10/11/13) [07/16/13 @ 4:48PM]

Re-appointment by His Honor the Mayor

#277-13 NANCY GRISSOM, 7 Orris Street, Auburndale, re-appointed as a member of the NEWTON HISTORICAL COMMISSION for a term to expire July 10, 2016. (60 days 10/11/13) [07/16/13 @ 4:50PM]

Re-appointment by His Honor the Mayor

#278-13 DONALD LANG, 1643 Beacon Street, Waban, re-appointed as a member of the NEWTON HISTORICAL COMMISSION for a term to expire July 10, 2016. (60 days 10/11/13) [07/16/13 @ 4:50PM]

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Re-appointment by His Honor the Mayor

#279-13 KENNETH REISMAN, 34 Roosevelt Road, Newton Centre, re-appointed as a member of the NEWTON COMMONWEALTH FOUNDATION for a term to expire June 27, 2016. (60 days 10/11/13) [07/16/13 @ 4:48PM]

Re-appointment by His Honor the Mayor

#280-13 THOMAS ELKIND, 29 Wamesit Road, Waban, re-appointed as a member of the NEWTON COMMONWEALTH FOUNDATION for a term to expire June 28, 2016. (60 days 10/11/13) [07/16/13 @ 4:48PM]

Re-appointment by His Honor the Mayor

#281-13 STEPHEN FAUEUX, 71 Elmhurst Road, Newton, re-appointed as a member of the NEWTON COMMONWEALTH FOUNDATION for a term to expire June 27, 2016. (60 days 10/11/13) [07/16/13 @ 4:48PM]

#198-13(2) THE WABAN AREA COUNCIL requesting that the election for officers to the Waban Area Council be held on November 5, 2013 at the Zervas School in conjunction with the municipal elections. [07/26/13 @ 11:01AM]

REFERRED TO PUBLIC FACILITIES

Public hearing to be assigned for August 14, 2013:

#282-13 NATIONAL GRID requesting a grant of location to install and maintain 185' ± of 4" gas main in PAULSON ROAD from the existing 4" gas main at house 140 Paulson Road in an easterly direction to serve houses 154, 1650, and 165 Paulson Road. (Ward 5) [08/01/13 @ 1:42 PM]

Public hearing to be assigned for September 11, 2013:

#283-13 NSTAR ELECTRIC petitioning for a grant of location to install 368' ± of conduit in SPIERS ROAD from an existing manhole 68' ± in a westerly direction thence turning onto TOCCI PATH continuing 300' ± in a northwesterly direction and to install Manhole #MH29679 in Tocci Path. (Ward 8) [08/02/13 @ 11:27 AM]

Public hearing to be assigned for September 11, 2013:

#284-13 NSTAR ELECTRIC petitioning for a grant of location to install 332' ± of conduit in SPIERS ROAD from an existing manhole 50' ± in a westerly direction thence turning onto AVERY PATH continuing 282' ± in a northwesterly direction and to install Manhole #MH29680 in Avery Path. (Ward 8) [08/05/13 @ 10:24 AM]

Public hearing to be assigned for September 11, 2013:

#285-13 NSTAR ELECTRIC petitioning for a grant of location to install 334' ± of conduit in SPIERS ROAD from an existing manhole 50' ± in a northerly direction thence turning onto CAVANAUGH PATH continuing 284' ± in a northwesterly direction and to install Manhole #MH29678 in Cavanaugh Path. (Ward 8) [08/05/13 @ 10:24 AM]

Public hearing to be assigned for September 11, 2013:

- #286-13 DESIGN REVIEW COMMITTEE petitioning, pursuant to Sec 5-58, for site plan approval of a new 75,000 SF elementary school to be located on the existing Angier Elementary School site at 1697 Beacon Street. [08/05/13 @ 2:21 PM]
- #232-10(2) COMMISSIONER OF PUBLIC WORKS requesting the relocation of an easement from the Trustees of Boston College to the City of Newton for drain and sewer lines in Section 63, Block 9, Lot 2 (Boston College Middle Campus) originally granted in 1917 and relocated in 2010 under Board Order # 232-10 to conform to the actual location of the sewer and drain lines. [08/02/13 @ 2:23 PM]
- #182-12(2) HIS HONOR THE MAYOR requesting modifications to the intersection of Centre Street at Cypress Street and Beacon Street including removal of all or some of the construction previously approved under Docket Item #182-12, as part of the MassWorks Infrastructure Grant to improve traffic flow. [08-02-13 @ 11:35 AM]

REFERRED TO FINANCE COMMITTEE

- #287-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of fifty thousand dollars (\$50,000) from the Fiscal Year 2014 Budget Contingency Account to Inspectional Services Full-time Salaries Account and to increase the Inspectional Services Department's full-time employee level by one position. [08/05/13 @ 1:59 PM]

The following item was filed after the close of the docket and requires a suspension of the Rules to be referred to Committee:

- #7-13(2) HIS HONOR THE MAYOR requesting authorization to transfer the sum of thirty thousand dollars (\$30,000) from the Fiscal Year 2014 Budget Contingency Account to the Executive Office Engineering Services Account for the purpose of funding an engineering study regarding the Waban Hill Reservoir and embankment on Manet Road in Chestnut Hill.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #322-12(4) HIS HONOR THE MAYOR requesting authorization to amend the Fiscal Year 2014 Budget Board Order #322-12(2) for the Public Buildings Department by reducing the Municipal Building Maintenance – Building Improvements line item by one hundred fifty thousand dollars (\$150,000) and increasing the Municipal Building Maintenance – Public Buildings R&M by one hundred fifty thousand dollars (\$150,000) in order to create a non-lapsing account for small capital projects. [08/05/13 @ 1:59 PM]

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]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #83-10(2) COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of six hundred forty-one thousand dollars (\$641,000) from the Community Preservation Fund to the Public Buildings Department to complete the revised Museum Archives, Accessibility, and Fire Suppression project, as described in the Committee's July 2013 recommendation, in addition to the \$101,345 appropriated for the project through Board Orders # 147-08 and #83-10. [07/23/13 @ 1:46 PM]

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 Joel Reider at 617-796-1145 or jreider@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting.