

REPORTS DOCKET

Jan. 3: Programs&Services; Public Safety & Transportation; Public Facilities Continued

Jan. 9: Finance; Zoning & Planning

Jan. 10: Land Use

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Monday, January 2, 2012

7:45 PM, Newton City Hall

To be reported on

TUESDAY, JANUARY 17, 2012

CITY OF NEWTON

IN BOARD OF ALDERMEN

UNFINISHED BOARD BUSINESS

Item Postponed on December 19, 2011 to Date Certain of January 17, 2012:

#150-09(6) **JOINT ADVISORY PLANNING GROUP and PLANNING & DEVELOPMENT DEPARTMENT** filing their separate reports pursuant to Ordinance Sec. 2-7(2)b) identifying alternatives for the future use of the Austin Street municipal parking lot at 28 Austin Street, on land known as SBL 24, 9, 15, containing approximately 74,536 sq. ft. of land, in Newtonville, which was declared surplus by the Commissioner of Public Works on December 1, 2010.

REAL PROPERTY REUSE APPROVED 6-0-1 (Gentile abstaining) on 10/25/11 to sell or lease and retain 85 public parking spaces.

(Postponed on 11/7/11 to date certain of 12/19/11)

Item Postponed on December 19, 2011 to Date Certain of January 17, 2012:

Appointment by His Honor the Mayor:

#391-11 **THOMAS PHILLIPS**, 139 Algonquin Road, Newton, appointed as a member of the Zoning Board of Appeals for a term to expire on September 20, 2014 (60 days 1/20/12). [11/14/11 @ 4:46 PM]

ZONING & PLANNING APPROVED 7-0 on 12/12/11

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.

REFERRED TO LAND USE COMMITTEE

Tuesday, January 10, 2012

Present: Ald. Hess-Mahan (Chairman), Ald. Merrill, Laredo, Schwartz, Albright, Crossley, and Harney; also present: Ald. Lennon, Alderman-elect Fischman

- #388-11 **KOUZINA, INC./DTS TRUST** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive the 9 parking stalls required to increase from 20 to 46 the number of seats in an existing restaurant at 1649 BEACON STREET, Ward 5, Waban, on land known as SBL 53, 29, 2A, containing approximately 54,198 square feet of land in a district zoned BUSINESS 1. Ref: Sec. 30-24, 30-23, 30-19(d)(13), and 30-19(m) of the City of Newton Rev Zoning Ord, 2007.
HEARING CLOSED
- #282-11(2) **RICHARD D. SEWALL** petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four attached dwellings in two buildings; to waive the side setback requirement; to allow a lot coverage of more than 25%; and to waive the dimensional requirements for parking stalls at 87-89 WABAN STREET, Ward 1, Newton Corner, on land known as SBL 12, 4, 27, containing approximately 20,082 sq. ft. of land in a district zoned Multi Residence 1. Ref: Sec 30-24, 30-23, 30-(9)(b)(5), 30-9(b)(5)b 30-19(g)(2) and (m)of the City of Newton Rev Zoning Ord, 2007.
HEARING CLOSED
- #416-11 **K.J.R., INC/JOSEPH BONTEMPO** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING USE to expand the seating capacity of an existing restaurant by 15 seats to allow for an outdoor roofed patio at 7 WEST STREET, Ward 1, Nonantum, on land known as SBL 14, 14, 41, containing approximately 2,850 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(d)(13) and (m) 30-15(m), 30-15 Table 1, 30-9 of the City of Newton Rev Zoning Ord, 2007.
HEARING CLOSED
- #414-11 **DAVID & RENEE SOUTHIERE/JOHN F. NEVILLE** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE to convert two existing rear porches into livable space, which will increase the Floor Area Ratio to .58 where .50 is allowed by-right, at 39 and 41 CLARENDON STREET, Ward 2, Newtonville, on land known as SBL 22, 11, 9, containing 11,130 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.
HEARING CLOSED; APPROVED 7-0-

- #415-11 LORI A. MEADS-BELZ & EDWARD D. BELZ petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to convert an existing porch into a study/office space, which will increase the Floor Area Ratio to .54 where .40 is allowed by-right, at 14 LORING STREET, Ward 7, Newton Centre, on land known as SBL 73, 30, 10, containing approximately 8,500 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.
HEARING CLOSED; APPROVED 7-0

2012 Auto Renewals

Class 1

- #298-11 BAYSTATE CHRYSLER JEEP DODGE RAM
777 Washington Street
Newtonville 02460
APPROVED 7-0

- #299-11 CLAY NISSAN OF NEWTON, INC.
431 Washington Street
Newton Corner 02458
APPROVED 7-0

- #300-11 VILLAGE MOTORS GROUP, INC.
d/b/a HONDA VILLAGE
371 Washington Street
Newton Corner 02458
APPROVED 7-0

Class 2

- #307-11 JACOB & ASSOCIATES
1232 Washington Street
West Newton 02465
APPROVED 7-0

- #308-11 L. A. AUTO BODY, INC.
41 Los Angeles Street
Nonantum 02458
APPROVED 7-0

- #312-11 NEWTON AUTO GROUP, INC.
1235 Washington Street
West Newton 02465
APPROVED 7-0

- #317-11 R.S. SERVICE, INC.
361 Washington Street
Newton Corner 02458
APPROVED 7-0
- #318-11 REGAN'S INC.
2066 Commonwealth Avenue
Auburndale 02466
APPROVED 7-0
- #320-11 THE TRAVIS CORPORATION
d/b/a THE CAR STORE
19 Rolling lane
Chestnut Hill 02467
APPROVED 7-0
- #322-11 WASHINGTON STREET SUNOCO
875 Washington Street
Newtonville 02460
APPROVED 7-0
- #323-11 CITY OF NEWTON
1000 Commonwealth Avenue 02459
APPROVED 7-0
- Class 2 & 3
- #324-11 ECHO BRIDGE SALVAGE, INC.
16-24 Maguire Court
Newtonville 02460
APPROVED 7-0
- #325-11 SCHIAVONE BROTHERS, INC.
16-24 Maguire Court
Newtonville 02460
APPROVED 7-0
- #326-11 TODY'S SERVICES, INC.
1362 Washington Street
West Newton 02465
APPROVED 7-0

New Class 2

#327-11 NEWTON COLLISION, INC. d/b/a GM AUTO BODY
64 Crafts Street
Newtonville 02460
HELD

#105-09(4) YANPING SUN request for an EXTENSION OF TIME IN WHICH TO EXERCISE special permit petition #105-09(3), granted on December 6, 2010 for an accessory apartment in an existing single-family dwelling at 87 WOODWARD STREET, Ward 5, Newton Highlands. Sec 30-24(c)(4) City of Newton Rev Zoning Ord, 2007.
HELD 7-0

#106-07(5) PRESIDENT LENNON appointing the following individuals as Board of Aldermen appointees to the six-person Neighborhood Council established in Condition 20 of special permit #106-07, granted to Beth Menachem Chabad on October 1, 2007, for waivers of parking requirements associated with a religious institution at 349 Dedham Street, Ward 8:
(A) Elyse Friedman, 370 Dedham Street
(B) David Yu, 22 Rachel Road
(C) Alderman Mitchell Fischman, Alderman-at-large, Ward 8
APPROVED 7-0

REFERRED TO ZONING AND PLANNING COMMITTEE

Monday January 9, 2012

Present: Ald. Johnson (Chairman), Yates, Sangiolo, Kalis, Swiston, Danberg, Lennon; absent: Ald. Baker; also present: Ald. Albright, Crossley, Hess-Mahan, Harney, Gentile, Fuller

Appointment by His Honor the Mayor

#392-11 TREFF LAFLECHE, 86 Prince Street, West Newton, appointed as an *associate* member of the Zoning Board of Appeals for a term to expire December 31, 2012 (60 days 1/20/12). [11/14/11 @ 4:53 PM]
APPROVED 6-0

Appointment by His Honor the Mayor:

#390-11 WILLIAM MCLAUGHLIN, 117 Hammond Street, Chestnut Hill, appointed as a member of the Zoning Board of Appeals for a term to expire on September 30, 2012 (60 days 1/20/12). [11/12/11 @ 11:46 AM]
NO ACTION NECESSARY 6-0

Re-appointment by His Honor the Mayor:

#399-11 JAMES MITCHELL, 83 Countryside Road, Newton Centre, re-appointed as a member of the Zoning Board of Appeals for a term of office to expire December 31, 2012 (60 days 1/20/12). [11/12/11 @ 11:45 AM]
NO ACTION NECESSARY 6-0

- #400-11 ALD. GENTILE, HARNEY, SANGIOLO requesting establishment of a Business 5/Riverside Zone: a mixed-use transit-oriented district at the site of the current Riverside MBTA rail station. The proposed new zone shall allow by special permit a single commercial office building not to exceed 225,000 square feet with a maximum height of 9 stories, two residential buildings not to exceed 290 housing units in total, retail space not to exceed 20,000 square feet, along with a multi-use community center. [11/17/11 @3:36 PM]
HELD 7-0

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday January 4, 2012

Present: Ald. Sangiolo, Linsky, Rice, Merrill, Blazar, Hess-Mahan; absent: Ald. Baker, Fischman; also present: Ald. Danberg

REFERRED TO LAND USE AND PROGRAMS & SERVICES COMMITTEES

- #474-08(2) ALD. HESS-MAHAN & VANCE proposing that Article X of the Rules & Orders of the Board of Aldermen be amended to conform with a proposed amendment to Chapter 30 re transfer of the special permit granting authority to the Zoning Board of Appeals and/or the Planning & Development Board for projects that are not classified as Major Projects pursuant to Article X.
LAND USE VOTED NO ACTION NECESSARY on 11/1/11
RULES SUBCOMMITTEE RECOMMENDED NAN ON 12/7/11
NO ACTION NECESSARY 5-1 (Linsky opposed)
- #306-08 ALD. BAKER, DANBERG, MANSFIELD & PARKER requesting discussion of how swimming at Crystal Lake might be lawfully and safely extended beyond mid-August. [08/26/08 @ 5:03 PM]
NO ACTION NECESSARY 6-0
- #287-07(2) ALD. PARKER requesting a discussion with Parks and Recreation Department in regards to an appropriate marker or plaque to honor and recognize Olympic figure skater and Newton resident Tenley Albright and her skating exhibition at the Crystal Lake upon her return from the 1956 Olympic Games where she won a gold medal. [09/20/07 @ 1:22 PM]
NO ACTION NECESSARY 6-0
- #370-06 ALD. SANGIOLO, PARKER, MANSFIELD requesting home rule legislation to allow advisory questions to be asked in a Newton special election.
APPROVED SUBJECT TO SECOND CALL 3-0-3 (Merrill, Hess-Mahan, Blazar abstaining)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, January 4, 2012

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

#9-12 TRAFFIC COUNCIL CHAIR providing the Annual Report on the work of the Traffic Council for 2011 pursuant to Section 19-30(g) of the City of Newton Rev Ord, 2007. [12/16/11 @ 4:00 PM]
NO ACTION NECESSARY 8-0

#417-11 ALD. JOHNSON requesting a discussion with the Department of Transportation regarding sound barriers along the Turnpike. [12/07/11 @ 9:29 PM]
HELD 8-0

#278-11 ALD. YATES, requesting a report from His Honor the Mayor on the likely impacts on traffic in Newton from the changes to the Route 9/128 intersection as part of the Add-A-Lane Project. [09/26/11 @ 2:37 PM]
HELD 7-0 (Fuller not voting)

#233-11 ALDERMEN CROSSLEY, YATES AND RICE requesting a discussion with the Massachusetts Department of Conservation & Recreation (DCR) regarding design and location of the recently created pedestrian access from Quinobequin Road to the revised DCR trail parallel to the Charles River, where pedestrians are concealed and unprotected from oncoming traffic, and further to consider redesign and/or relocation to make access points to the trail safe for both pedestrians and drivers. [08/01/11 @ 4:18 PM]
HELD 6-0 (Fuller and Harney not voting)

#156-11 ALD. YATES requesting a report from the Massachusetts Bay Transportation Authority on the physical condition of the bridge that carries the MBTA Green Line over Route 9 near Eliot Station. [05/02/11 @ 10:51 PM]
HELD 6-0 (Fuller and Harney not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, January 4, 2012

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

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#380-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of four hundred eighty-five thousand dollars (\$485,000) from bonded indebtedness for the purpose of funding masonry repairs at various schools. [10/31/11 @ 2:48 PM]
FINANCE APPROVED 8-0
APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #379-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of four hundred fifty thousand dollars (\$450,000) from bonded indebtedness for the purpose of funding mechanical upgrades at various schools. [10/31/11 @ 2:48 PM]
FINANCE APPROVED 8-0
APPROVED 6-0 (Danberg not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #378-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of three hundred fifteen thousand dollars (\$315,000) from bonded indebtedness for the purpose of funding the emergency generator upgrades at various schools. [10/31/11 @ 2:48 PM]
FINANCE APPROVED 8-0
APPROVED 6-0 (Danberg not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #377-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of two hundred thousand dollars (\$200,000) from bonded indebtedness for the purpose of funding electrical upgrades in various schools. [10/31/11 @ 2:48 PM]
FINANCE APPROVED 8-0
APPROVED 6-0 (Danberg not voting)

- #385-07 ALD. SCHNIPPER AND GENTILE updating the Public Facilities Committee on the progress of the Newton North High School Project. [11/21/07 @ 10:23 AM]
HELD 6-0 (Danberg not voting)

- #208-08 ALD. GENTILE, SANGIOLO, SALVUCCI AND SCHNIPPER requesting a discussion on establishing a permanent Building Committee in the City of Newton. [05/16/08 @ 11:47 AM]
NO ACTION NECESSARY 6-0 (Danberg not voting)

- #253-07 ALD. LINSKY ALBRIGHT, JOHNSON, HARNEY, SANGIOLO, SALVUCCI, MANSFIELD, BURG, SCHNIPPER requesting (1) a review as to how provisions of applicable ordinances, specifically 5-58, were implemented during the course of the Newton North project, and (2) consider proposed revisions of 5-58 including, but not limited to:
- (a) timely provision of documentation by the public building department to the Board of Aldermen and Design Review Committee;
 - (b) establishment of liaison committees to facilitate communications and input from neighborhoods affected by projects subject to this ordinance;
 - (c) approval of final design plans by the Board of Aldermen of projects subject to this ordinance;

- (d) oversight during the construction phase of projects subject to this ordinance by appropriate Board committee(s) both in respect to approval of change orders as well as design changes; and
- (e) generation of a required record detailing the entire construction process by the public building department to guide present and future oversight of projects subject to this ordinance. [08/07/07 @ 3:12 PM]
- (f) establishment of a committee to provide oversight for public building construction and renovation during all phases of planning, design and construction.

HELD 6-0 (Danberg not voting) AS AMENDED TO INCLUDE ITEM (f)

#152-06

REFERRED TO PS&T and PUBLIC FACILITIES COMMITTEES
PS&T COMMITTEE requesting discussion re Road Classification Design Types (as outlined by the Planning and Development Department) for future use as an overall management tool for the City.

PS&T APPROVED 8-0 on 10/18/06

NO ACTION NECESSARY 6-0 (Danberg not voting)

REFERRED TO FINANCE COMMITTEE

Monday, January 9, 2012

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

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#380-11

HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of four hundred eighty-five thousand dollars (\$485,000) from bonded indebtedness for the purpose of funding masonry repairs at various schools.

[10/31/11 @ 2:48 PM]

PUBLIC FACILITIES APPROVED 7-0 on 01-04-12

APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#379-11

HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of four hundred fifty thousand dollars (\$450,000) from bonded indebtedness for the purpose of funding mechanical upgrades at various schools.

[10/31/11 @ 2:48 PM]

PUBLIC FACILITIES APPROVED 6-0 (Danberg not voting) 01-04-12

APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#378-11

HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of three hundred fifteen thousand dollars (\$315,000) from bonded indebtedness for the purpose of funding the emergency generator upgrades at various schools. [10/31/11 @ 2:48 PM]

PUBLIC FACILITIES APPROVED 6-0 (Danberg not voting) on 01-04-12

APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#377-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of two hundred thousand dollars (\$200,000) from bonded indebtedness for the purpose of funding electrical upgrades in various schools. [10/31/11 @ 2:48 PM]

PUBLIC FACILITIES APPROVED 6-0 (Danberg not voting) on 01-04-12
APPROVED 8-0