

## DOCKET

May 22: Land Use

Continued

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Monday, May 21, 2012

7:45 PM, Newton City Hall

To be reported on

**MONDAY, JUNE 4 2012**

### 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 June 12, 2012:*

- #91-12(2) PHILLIP E. KRET & PINAR KILICCI-KRET/WILLIAM S. ALBERT & MONICA MITRA petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NON-CONFORMING USE and STRUCTURE to construct a rear addition which requires in addition to the relief requested in petition #91-12, for which public hearing was opened and continued on May 15, 2012 to June 12, 2012, relief from the side yard setback requirements. Ref: Sec 30-15 Table 1 and 30-21(b) of the City of Newton Rev Zoning Ord, 2007.
- #134-12 DAVID PUNCH/B&E BEACON REALTY, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive 11 parking stalls required for a proposed 48-seat restaurant at 753A-753 BEACON STREET, Ward 6, on land known as SBL 67, 27, 20, 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.
- #135-12 DINO ROSSI/MARY VISCO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE along the frontage, but not closer to the lot line, and increase the Floor Area Ratio from .31 to .57, where .48 is allowed by-right, at 258 NEVADA STREET, Ward 1, on land known as SBL 14, 8, 16, containing approximately 11,122 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u) of the City of Newton Rev Zoning Ord, 2007.

- #136-12      TERRY O'REILLY'S PUB, LLC & MIDDLE EAST FOOD SERVICES, LLC/PICCLANG, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXPAND A NONCONFORMING USE to increase the number of seats in an existing restaurant to 99 seats and to waive the 19 parking stalls required at 47-61 LANGLEY ROAD, Ward 6, Newton Centre, on land known as SBL 61, 36, 6, containing approximately 10,037 sq. ft. of land in a district zoned BUSINESS 1. Ref: Special Permit #167-02 and Sec 30-24, 30-23, 30-19(c)(2), (d)(13), and 30-19(m) and 30-21(b) of the City of Newton Rev Zoning Ord, 2007.
- Public Hearings to be assigned for June 19, 2012:*
- #349-06(3)      CHANDRAJIT P. RAUT & SHILPA GROVER petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #349-06 for a rear lot subdivision at 11 Gray Birch Terrace, granted on March 5, 2007, to construct two retaining walls of four feet or more in height in the setback at 19 GRAY BIRCH TERRACE, Ward 2, on land known as SBL 24, 7, 9A, containing approximately 20,446 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.
- #137-12      NSTAR ELECTRIC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a retaining wall greater than four feet in height in the setback in order to replace existing transformers and add additional accessory equipment at 48 ELLIOT STREET, Ward 5, Newton Upper Falls, on land known as SBL 51, 29, 38, containing approximately 158,000 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec 30-24, 30-23, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.
- #138-12      BARBARA BYRNE & JOSEPH FLAHERTY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct three dormers in order to expand the living space on the third floor of an existing single-family dwelling at 85 CUMMINGS ROAD, Ward 2, Newton Centre, on land known as SBL 64, 3, 39, containing approximately 9,890 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15(t), (t)(1) and (t)(3) of the City of Newton Rev Zoning Ord, 2007.
- #139-12      NED CHESTNUT HILL LLC/DANA J. KATZ, TRUSTEE for DK REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a freestanding sign and for a secondary principal sign for which the dimensional limits would be waived at 176 BOYLSTON STREET, Ward 7, Chestnut Hill, on land known as SBL 82, 2, 18, containing approximately 45,240 sq. ft. of land in a district zoned BUSINESS 1 and 4. Ref: Special Permit #505-98 and Sec 30-24, 30-20(f)(1), (2), (9) and 30-20(l) of the City of Newton Rev Zoning Ord, 2007.

- #83-12(2) BARBARA MASON petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a deck/landing/staircase of greater than 50 sq. ft. to provide a second means of egress to an existing legal accessory apartment and to waive associated landscape screening at 47 HANCOCK AVENUE, Ward 6, Newton Centre, on land known as SBL 64, 16, 19, containing approximately 33,299 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-8(d)(2) and (2)(b) and 30-8(d)(1)(h)

### **OTHER COMMUNICATIONS**

- #140-12 NEWTON CONTRIBUTORY RETIREMENT SYSTEM voted on April 25, 2012 to award eligible contributory and non-contributory pensioners of the Newton Retirement System a 3% FY2014 cost of living adjustment pursuant to GL chapter 32 §103(i), applied to the first \$12,000 of an eligible retirement allowance.
- #141-12 AT&T WIRELESS PCS application for Administrative Site Plan Review pursuant to §30-18(h) of the City of Newton Rev Zoning Ordinance to modify existing wireless communication equipment at 1000 Commonwealth Avenue, Newton, Ward 2.
- #142-12 HIS HONOR THE MAYOR accepting from the Roberts family, owner of Newtonville Camera, as a gift of Tangible Property without restrictions pursuant to §2-10 of the City of Newton Ordinances, exercise equipment estimated at approximately \$15,000, to be divided between the Fire Department and the fitness center at City Hall.
- #143-12 NEWTON COMMUNITY DEVELOPMENT FOUNDATION submitting a report for years ended December 31, 2011 and 2010 required by the Ground Lease between the City and Warren House Associates Limited Partnership. Warren House Associates is requesting His Honor the Mayor to waive its share of this year's Ground Lease payment so it can apply those funds toward the remaining exterior façade work, which has not yet been completed.

### **REFERRED TO PROGRAMS & SERVICES COMMITTEE**

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

- #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.

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

#145-12 ALD JOHNSON requesting a review by the Solicitor's office as to what constitutes "reorganization" per our City Charter. [05/16/12 @ 10:24PM]

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

#146-12 DIRECTOR OF PLANNING & DEVELOPMENT, requesting possible amendment to Chapter 19 to allow the Commissioner of Department of Public Works to restrict parking up to 10 feet away from crosswalks. [05/14/12 @ 4:06 PM]

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

*Public hearing to be assigned for June 20, 2012:*

#147-12 NATIONAL GRID petitioning for a grant of location to install and maintain a 50" H x 36" W x 17" D utility box (traffic box) at the HOMER STREET and GRAFTON STREET intersection at the existing regulator station. (Ward 6) [05/11/12 @ 2:14 PM]

*Public hearing to be assigned for June 20, 2012:*

#148-12 NATIONAL GRID petitioning for a grant of location to install and maintain a 50" H x 36" W x 17" D utility box (traffic box) to be located on OAK STREET at the proposed regulator station at 81 Oak Street. (Ward 5) [05/11/12 @ 2:14 PM]

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

*Public hearing to be assigned for June 6, 2012:*

#149-12 JANE MADDOX petitioning for a sewer main extension to be constructed in DUFFIELD ROAD from an existing sewer manhole located in Duffield Road 195'+ southerly to a proposed sewer manhole in Duffield Road. (Ward 4) [05-15-12 @ 4:22 PM]

**PETITIONER TO PAY ENTIRE COST**

*Appointment by His Honor the Mayor*

#150-12 JAMES POWER, 11 Star Road, West Newton, appointed as a member of the DESIGNER SELECTION COMMITTEE for a term of office to expire on December 31, 2013. (60 days 7/21/12) [04-30-12 @ 5:07 PM]

*Appointment by His Honor the Mayor*

#151-12 BENJAMIN TUCKER, 12 Nathan Road, Newton Centre, appointed as a member of the DESIGNER SELECTION COMMITTEE for a term of office to expire on December 31, 2013. (60 days 7/21/12) [04-30-12 @ 5:07 PM]

#152-12 ALD. RICE DANBERG, BLAZER & SCHWARTZ requesting the City of Newton name the expanded sidewalk in front of 4 Hartford Street at the corner of Lincoln Street in Newton Highlands as *Rodney Barker Square* to recognize Rodney Barker's decades of public service to Newton Highlands. [05/14/12 @ 3:22 PM]

#153-12 COMMISSIONER OF PUBLIC WORKS requesting that the Board of Aldermen approve the City's acquisition of a public way easement from Boston College. The parcel of land is 12.1' x 8.2' or 100 square feet in area and will be used to place a traffic signal. [05/14/12 @ 4:05 PM]

**REFERRED TO FINANCE COMMITTEE**

#154-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one thousand four hundred ninety dollars and eight cents (\$1,490.08) from the B Street Bicycle Rack Receipts Reserved for Appropriation for the purpose of buying two bicycle racks for the Underwood Elementary School. [05/14/12 @ 4:06 PM]

#155-12 HIS HONOR THE MAYOR requesting authorization to transfer and appropriate the sum of eleven thousand two hundred seventy-seven dollars (\$11,277) from Fire Prevention Fines for the enforcement, training, and education of fire prevention officers in accordance with Massachusetts General Law Chapter 148A, Section 5. [05/14/12 @4:06 PM]

#156-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty-seven thousand forty-eight dollars (\$27,048) from the FY12 FEMA Storm Reimbursements to Conservation Land Maintenance. [05/14/12 @4:05 PM]

#157-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one million dollars (\$1,000,000) from the FY 2012 Reserve for Snow/Ice to the "Rainy Day" Stabilization Fund. [05/14/12 @4:05 PM]

#158-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of three thousand three hundred two dollars (\$3,302) from State MEMA Grant Reimbursements and five hundred thousand dollars (\$500,000) from Federal FEMA Reimbursements to a new Inclement Weather Reserve in the City's Receipts Reserved for Appropriation Fund. [05/14/12 @4:05 PM]

#159-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of forty thousand one hundred twenty-six dollars and seventy-five cents (\$40,126.75) from Wage Reserve to Bond/Note Costs for the General Fund portion of the costs incurred as a result of the April 2012 Bond Sale. [05/14/12 @4:05 PM]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#160-12      HIS HONOR THE MAYOR requesting authorization to appropriate the sum of four million two hundred thirty-nine thousand eight hundred seventy-eight dollars (\$4,239,878) from bonded indebtedness for the purpose of funding Phase 1 (Project Area 1) of the proposed 11-year Underground Infrastructure Strategic Improvement Plan as prepared by the Utilities Division. [05/14/12 @4:05 PM]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#161-12      HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred forty-eight thousand four hundred eighty one dollars (\$148,481) from the Energy Stabilization Account to fund the energy audit conducted by NORESKO. [05/14/12 @4:05 PM]

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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](mailto:TGuditz@newtonma.gov) or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date