REPORTS DOCKET

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Monday, July 9, 2012
7:45 PM, Newton City Hall
To be reported on
MONDAY, AUGUST 13, 2012

CITY OF NEWTON

IN BOARD OF ALDERMEN

REFERRED TO LAND USE COMMITTEE

Tuesday, July 10, 2012

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

Public Hearings were held on the following items:

#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 3024, 30-23, 30-20(f)(1), (2), (9) and 30-20(l) of the City of Newton Rev Zoning
Ord, 2007. (The public hearing was opened and continued on July 19, 2012.)
HEARING CLOSED; APPROVED 8-0

#162-12 G AND B REALTY TRUST, JOHN M. O'HARA & KARL J. O'HARA, TRUSTEES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NON-CONFORMING STRUCTURE in the front setback; to increase the number of seats from 90 to 120; and, to waive the 7 additional required parking stalls for an existing restaurant at 1181-1189 WALNUT STREET, Ward 6, Newton Highlands, on land known as SBL 52, 36, 1, in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-21(b), 30-19(c) and (d)(13) and 30-19(m), 30-11(d)(9), of the City of Newton Rev Zoning Ord, 2007 and Special permit #188-94.

HEARING CLOSED

- #174-12 <u>ELLIOT SCHILDKROUT & TERRY ROSENBERG</u> petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a detached garage within the front setback and to allow a dormer wider than 50% of the length of the exterior wall of the story next below at 164 CHESTNUT STREET, Ward 3, West Newton, on land known as SBL 32, 45, 14, containing approximately 15,085 sq. ft. of land in a district zoned Single Residence 1. Ref: Sec 30-24, 30-23, 30-15(m)(1), 30-15 Table 1, 30-15(t) and (t)(1) of the City of Newton Rev Zoning Ord, 2007. **HEARING CLOSED; WITHDRAWN WITHOUT PREJUDICE 8-0**
- #175-12 KF REALTY ASSOCIATES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a CHANGE IN NONCONFORMING USE to locate a 92-seat restaurant in a portion of an existing legally nonconforming retail storefront at 148 CALIFORNIA STREET, Ward 1, NONANTUM and 171 WATERTOWN STREET, Watertown, on land known as SBL 11, 12, 11, containing a total of approximately 523,642 sq. ft. of land in a district zoned Manufacturing. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

 HEARING CLOSED
- #176-12 WALGREEN'S REAL ESTATE/WABAN-1332 LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 3,736 sq. ft. addition onto an existing building, to install new signage and façade, to modify the existing parking lot at 1099-1101 BEACON STREET, 871 and 875 WALNUT STREET Ward 6, on land known as Sec. 64, Blk. 3, Lots 10, 11 and 12, containing approximately 43,922 sq. ft. of land in a district zoned Business 2. Ref: Sec 30-24, 30-23, 30-20(f)(1) and (2), 30-20(1), 30-11(j)(3), 30-19(j)(2) and (3) of the City of Newton Rev Zoning Ord, 2007.

 HEARING CLOSED
- #177-12 COPLEY MANAGEMENT & DEVELOPMENT CORP. for NEWTON 457
 LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and
 EXTENSION OF A NONCONFORMING STRUCTURE and USE to allow the
 expansion of an existing nonconforming multi-family dwelling use from 24 to 25
 units, including an expansion of nonconformity re lot area per unit; extension of a
 nonconforming structure in the side setback; increase in the nonconforming lot
 coverage; a decrease in the nonconforming amount of open space; to allow a
 parking facility partially located on a different lot than the principal use served; to
 waive parking stall dimensional requirements; and to waive two parking stalls at
 457 CENTRE STREET, Ward 1, Newton Corner, on land known as SBL 12, 13,
 12, containing approximately 9,457 sq. ft. of land in a district zoned Multi
 Residence 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-9(d)(1), 30-15 Table 1, 3019(d)(2), 30-19(f)(1) and (2), 30-19(g), 30-19(m) of the City of Newton Rev
 Zoning Ord, 2007

HEARING CLOSED; APPROVED 8-0

REFERRED TO LAND USE COMMITTEE

Tuesday, July 17, 2012

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

- #117-12 <u>NAJIM AZADZOI</u> petition for a Class 2 Automobile Dealer License at 280 California Street.
 - **APPROVED 7-0 (Merrill not voting)**
- #135-12 <u>DINO ROSSI/MARY VISCO</u> 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, to enlarge a two family dwelling 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. **HELD 8-0**
- #176-12 WALGREEN'S REAL ESTATE/WABAN-1332 LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 3,736 sq. ft. addition onto an existing building, to install new signage and façade, to modify the existing parking lot at 1099-1101 BEACON STREET, 871 and 875 WALNUT STREET Ward 6, on land known as Sec. 64, Blk. 3, Lots 10, 11 and 12, containing approximately 43,922 sq. ft. of land in a district zoned Business 2. Ref: Sec 30-24, 30-23, 30-20(f)(1) and (2), 30-20(1), 30-11(j)(3), 30-19(j)(2) and (3) of the City of Newton Rev Zoning Ord, 2007. (90 days October 08, 2012) APPROVED 8-0
- #118-12 ZORI & INBAL ROBINOVITZ petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a new single-family dwelling with a Floor Area Ratio of .28 where .26 is allowed by-right at 150 COUNTRYSIDE ROAD, Ward 8, on land known as SBL 83, 36, 39, containing approximately 25,000 sq. ft. of land in a district zoned Single Residence 1. Ref: Sec 30-24, 30-23, 30-15(u) of the City of Newton Rev Zoning Ord, 2007. (90 days October 31, 2012)

 HELD 8-0

REFERRED TO LAND USE COMMITTEE

Tuesday, July 24, 2012

Present: Ald. Hess-Mahan (Chairman), Ald. Albright, Merrill, Fischman, Crossley, Laredo, and Harney; absent: Ald. Schwartz; also present: Ald. Rice, Yates, Lappin, and Kalis

- #137-12 NSTAR ELECTRIC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a retaining wall of four feet or more 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. (90 days September 17, 2012)

 APPROVED 6-0 (Harney not voting)
- #162-12

 G AND B REALTY TRUST, JOHN M. O'HARA & KARL J. O'HARA,

 TRUSTEES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to
 EXTEND a NON-CONFORMING STRUCTURE in the front setback; to
 increase the number of seats from 90 to 120; and, to waive the 7 additional
 required parking stalls for an existing restaurant at 1181-1189 WALNUT
 STREET, Ward 6, Newton Highlands, on land known as SBL 52, 36, 1, in a
 district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-21(b), 30-19(c) and (d)(13)
 and 30-19(m), 30-11(d)(9), of the City of Newton Rev Zoning Ord, 2007 and
 Special permit #188-94. (90 days October 02, 2012)

 APPROVED 6-0 (Harney not voting)
- #175-12 KF REALTY ASSOCIATES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a CHANGE IN NONCONFORMING USE to locate a 92-seat restaurant in a portion of an existing legally nonconforming retail storefront at 148 CALIFORNIA STREET, Ward 1, NONANTUM and 171 WATERTOWN STREET, Watertown, on land known as SBL 11, 12, 11, containing a total of approximately 523,642 sq. ft. of land in a district zoned Manufacturing. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007. (90 days October 08-2012)

 APPROVED 6-0 (Harney not voting)
- #92-12

 GOLDEN DEVELOPMENT CORP./JEAN E. GREER REVOCABLE TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a rear lot subdivision and to increase the Floor Area Ratio requirement from the maximum of .24 to .36 to construct two single-family dwellings at 112-116 DEDHAM STREET, Ward 5, Newton Highlands, on land known as SBL 83, 5, 17, containing approximately 38,075 sq. ft. of land in a district zoned Single Residence 3. Ref: Sec. 30-24, 30-23, 30-15(r), of the City of Newton Rev Zoning Ord, 2007. (90 days September 05, 2012)

 APPROVED 5-0-1 (Albright, Crossley abstaining)

REFERRED TO LAND USE COMMITTEE

Tuesday, August 7, 2012

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

#135-12 <u>DINO ROSSI/MARY VISCO</u> 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, to enlarge a two family dwelling 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. (90 days 09/24/12)

APPROVED 4-1 (Crossley)

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, July 16, 2012

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

#150-09(3) ALD. ALBRIGHT, JOHNSON, LINSKY proposing that a parcel of land located in Newtonville identified as Section 24, Block 9, Lot 15, containing approximately 74,536 square feet of land, known as the Austin Street Municipal Parking Lot, currently zoned Public Use, be rezoned to Business 4. [12/10/10 @9:21AM]

HELD 5-0

#162-12 THE ECONOMIC DEVELOPMENT COMMISSION requesting a one-year moratorium, starting immediately, where no bank shall be allowed to be built or opened for business on the ground floor of any building in any Business District within the city unless granted a Special Permit from the Board of Aldermen. [05-17-12 @ 4:18 PM]

HELD 5-0

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, July 11, 2012

Present: Ald. Sangiolo (Chairman), Ald. Baker, Linsky, Hess-Mahan, Blazar, and Merrill; absent: Ald. Fischman and Rice; also present: Ald. Fuller and Yates

REFERRED TO PROG & SERV, PUB. FACIL & FINANCE COMMITTEES

#170-12

ALD. SANGIOLO, BAKER, BLAZAR, JOHNSON, and YATES requesting the creation of an ordinance to govern the naming of public assets of the City, including the interior and exterior features of public buildings, lands, and water bodies of the City, as well as any public facilities and equipment associated with them, all to serve the best interests of the City and to insure a worthy and enduring legacy for the City's physical facilities and spaces, including appropriately honoring historic events, people, and places. [05/29/12 @ 1:34 PM]

HELD 6-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#185-12

ALD. BAKER, BLAZAR, SANGIOLO, LINSKY, ALBRIGHT & DANBERG requesting that the Board of Aldermen adopt a RESOLUTION to His Honor the Mayor asking that, when the Mayor seeks future Board approval for bonding the cost of additional capital facilities or equipment for the schools, he include in that funding request, as well as in the city-wide Capital Improvement Plan, the estimated costs needed for funding the capital technology needs of the Newton Schools, including the appropriate portions of the estimated project costs of the School Committee's three-year district-wide technology plan not anticipated to be funded by the Information Technology Department budget; the anticipated technology grants from Boston College for the elementary schools; and/or estimated revenue from the E-rate Technology Reimbursement Program.

[06/11/12 @ 11:23 PM]

APPROVED 6-0 FINANCE TO MEET

#207-08(2) PROGRAMS & SERVICES COMMITTEE requesting discussion with the Executive Department and various City Department heads regarding use of debt exclusions to address city needs. [03-14-11 @ 10:26AM]
NO ACTION NECESSARY 6-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#273-08

ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that the Executive and Human Resources Departments develop a comprehensive human capital strategy for the city to include: performance management, talent development, succession planning, and compensation. [07/17/08 @ 9:53 AM]

FINANCE VOTED NO ACTION NECESSARY on 3/8/10

HELD 6-0

#298-09

ALD. MANSFIELD proposing Home Rule Legislation to amend Article 2, Section 2-1(c) Composition; Eligibility; Election and Term of the Newton Charter to establish four-year terms for Aldermen-at-Large with the provision for one Aldermen-at-Large to be elected from each ward at each biennial municipal election. [09-29-09 @ 6:45 PM]

NO ACTION NECESSARY 6-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#270-08

<u>ALD. JOHNSON</u> proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Information Technology Departments.

[07/17/08 @ 9:53 AM]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10 NO ACTION NECESSARY 6-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, July 18, 2012

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

Public Hearing

#197-12

HIS HONOR THE MAYOR requesting the Board of Aldermen authorize a long-term lease with the solar photovoltaic firm, Ameresco Solar Inc., to allow for the installation of solar panels on the rooftops of five (5) public schools: Newton North High School, Brown Middle School, Memorial-Spaulding Elementary School, Countryside Elementary School and Bowen Elementary School. [07/02/12 @ 5:03 PM]

HEARING CONTINUED AND ITEM REFERRED TO FINANCE 8-0

#198-12

NATIONAL GRID petitioning for a grant of location for a utility control box, regulator station and to install and maintain 128' ± of 12" and 8" gas main in AUSTIN STREET from the existing 8" gas main in Chestnut Street easterly to the proposed regulator station and from the proposed regulator station to the existing 8" gas main. (Ward 3) [06/19/12 @ 1:44 PM]

APPROVED 8-0

#199-12

<u>NATIONAL GRID</u> petitioning for a grant of location for a utility control box, regulator station and to install and maintain 78' \pm of 8" gas main in WASHINGTON STREET at CHESTNUT STREET from the exiting 24" gas main easterly to the proposed regulator station and from the proposed regulator station to the existing 10" gas main. (Ward 3) $[06/19/12 \ @ 1:44 \ PM]$ **APPROVED 8-0**

#200-12 NATIONAL GRID petitioning for a grant of location for a utility control box, regulator station and to install and maintain 60' ± of 16", 12", and 8" gas main in BEACON STREET at WABAN AVENUE from the existing 16" gas main easterly, to the proposed regulator station and from the proposed regulator station to the existing 12" gas main. (Ward 5) [06/19/12 @ 1:44 PM]

APPROVED WITH CONDITIONS 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#187-12 <u>ALD. SALVUCCI AND GENTILE</u> requesting discussion with the Administration regarding the contracts that the City has entered into pertaining to natural gas and electricity. [05-31-12 @11:02 AM]

FINANCE VOTED NO ACTION NECESSARY 6-0 on 08/06/12 NO ACTION NECESSARY 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#106-12 <u>HIS HONOR THE MAYOR</u> requesting authorization to appropriate the sum of one hundred sixty thousand dollars (\$160,000) from bonded indebtedness for the purpose of purchasing a street sweeper. [04-09-12 @ 3:39]

FINANCE APPROVED 6-0 AS AMENDED @ 172K on 08/06/12 APPROVED 8-0 AS AMENDED @ \$172,000

#172-11

ALD. CROSSLEY, FULLER AND SCHNIPPER requesting discussion with the Utilities Division of the Public Works Department regarding the identification of storm water inflow connections to the sewer system, so as to begin the process of systematically eliminating such illegal connections, including notifications to property owners, educational materials, requirements for corrective actions and technical and financial assistance that may be available from the City in order to facilitate removal of inflow connections. [05/26/11 @3:33 PM]

HELD 8-0

REFERRED TO FINANCE COMMITTEE

Monday August 6, 2012

Members of Finance: Ald. Gentile (Chairman), Ciccone, Linsky, Rice, Fuller, and Lappin;

absent: Ald. Salvucci and Blazar

Members of Public Safety & Transportation: Ald. Ciccone, Johnson Swiston, Yates, Fuller, and

Kalis; absent: Ald. Harney and Schwartz

Members of the Public Safety & Transportation met jointly with the Finance Committee to discuss the following item:

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

#214-10(6) HIS HONOR THE MAYOR requesting authorization to accept the sum of one hundred ninety-six thousand dollars (\$196,000) from New England Development Chestnut Hill LLC to be held in a "Receipts Reserved for Appropriation – Fire Department Equipment" per Special Permit #214-10 for Chestnut Hill Square.

PUBLIC SAFETY APPROVED 5-0 (Swiston not voting) on 08/06/12

APPROVED 6-0

Appointment by His Honor the Mayor

#201-12 ROBERT FANNING, 27 Cook Street, Newton appointed as a Constable for the City of Newton for a term of office to expire July 26, 2015.

APPROVED 6-0

Re-appointment by His Honor the Mayor

#202-12 MICHAEL FLYNN, 23 Thelma Road, Dorchester, re-appointed to the BOARD OF ASSESSORS for a term expiring on February 1, 2015. (60 days 09/07/12) APPROVED 6-0

#204-12 <u>HIS HONOR THE MAYOR</u> requesting authorization to accept, appropriate, and expend a reimbursable grant of five million dollars (\$5,000,000) for Route 9 infrastructure improvements associated with the Chestnut Hill Square Development Project contingent upon the successful execution of the grant agreement between the Executive Office of Housing and Economic Development and the City of Newton.

APPROVED 4-0-2 (Fuller, Linsky abstaining)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#106-12 <u>HIS HONOR THE MAYOR</u> requesting authorization to appropriate the sum of one hundred sixty thousand dollars (\$160,000) from bonded indebtedness for the purpose of purchasing a street sweeper. [04-09-12 @ 3:39]

PUBLIC FACILITIES APPROVED 8-0 AS AMENDED @ 172K on 07/18/12 APPROVED 6-0 AS AMENDED @ 172K

#206-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of four hundred ninety-three thousand seven hundred eighteen dollars and ninety-three cents (\$493,718.93) from the July 2, 2012 Declaration of Overlay Surplus as declared by the Chairman of the Board of Assessors to be used for the purpose of funding the statutory interest charges incurred by the City of Newton beginning September 8, 2009 through June 21, 2012 pursuant to the Appeals Court reversal of the Appellate Tax Board's order for Verizon New England, Inc. to pay back taxes for Fiscal Years 2003 through 2008. [07/02/12 @ 5:03 PM]

APPROVED 3-0-3 (Gentile, Linsky, Rice abstaining)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#108-12 <u>HIS HONOR THE MAYOR</u> requesting authorization to appropriate the sum of three hundred twenty thousand dollars (\$320,000) from bonded indebtedness for the purpose of funding design and Phase I construction and administration for replacement of a portion of the roof and repair of exterior masonry at the welding shop at the Crafts Street Garage. [04-09-12 @ 3:40]

PUBLIC FACILITIES APPROVED 6-0 AS AMENDED @ 260K on 06/20/12 APPROVED 5-0-1 AS AMENDED @ 260K (Gentile abstaining)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#187-12 <u>ALD. SALVUCCI AND GENTILE</u> requesting discussion with the Administration regarding the contracts that the City has entered into pertaining to natural gas and electricity. [05-31-12 @11:02 AM]

PUBLIC FACILITIES VOTED NO ACTION NECESSARY 8-0 on 07/18/12 NO ACTION NECESSARY 6-0

#203-12 <u>HIS HONOR THE MAYOR</u> requesting that the Board of Aldermen accept the sum of eighteen thousand dollars (\$18,000) in the form of donations to be used to fund a parking study for the Cypress Street Parking Structure. [07/02/12 @ 5:03 PM]

APPROVED 6-0

#205-12 HIS HONOR THE MAYOR requesting an amendment to the F.A. Day Middle School Construction Project Appropriation Schedule included in Board Order #115-12 approved June 18, 2012 by reducing the amount of thirty-five thousand three hundred thirty-four dollars (\$35,334) from the appropriation for "General Contractor" and adding that sum to the "Undistributed Project Budget." [07/02/12 @ 5:03 PM]
HELD 6-0

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