

REPORTS DOCKET

Sept. 5: Public Facilities
Sept. 10: Finance; Zoning & Planning
Sept. 11: Land Use

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Tuesday, September 4, 2012
7:45 PM, Newton City Hall
To be reported on
WEDNESDAY, SEPTEMBER 19, 2012

CITY OF NEWTON

IN BOARD OF ALDERMEN

UNFINISHED BOARD BUSINESS

A Motion to Reconsider the following item was filed by Ald. Linsky on 9/5/12:

#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]

ZONING & PLANNING VOTED NO ACTION NECESSARY 5-0 on 8/16/12

FULL BOARD VOTED NO ACTION NECESSARY 23-0 on 9/4/12

REFERRED TO LAND USE COMMITTEE

Tuesday, September 11, 2012

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

Public Hearings were held on the following items:

#211-12 ROBERT & PATRICIA WELBOURN petition for A SPECIAL PERMIT/SITE PLAN APPROVAL to construct retaining walls greater than four feet in height within the required setbacks to provide access to a basement garage for a new single-family dwelling at 24 WILDE ROAD, Ward 5, Waban, on land known as SBL 55, 19, 5, containing approximately 8,446 square feet of land in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-5(b) and (b)(4) of the City of Newton Rev Zoning Ord, 2012.

WITHDRAWAL WITHOUT PREJUDICE APPROVED 6-0

- #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.
HEARING CLOSED
- #208-12 BRAE BURN COUNTRY CLUB petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL for an EXTENSION OF A NONCONFORMING USE/STRUCTURE #270-97 to expand an existing clubhouse and adjacent landscaping including an outdoor terrace; convert an outdoor temporary tent structure into a permanent pergola with an increase of 32 seats for seasonal dining, which requires a parking waiver at 326 FULLER STREET, Ward 3, on land known as SBL 53, Blk 40 Lot 13, containing approximately 5,932,256 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Special Permit #270-97 and Sec. 30-8(b)(5) and 30-21(b) of the City of Newton Rev Zoning Ord, 2012.
HEARING CONTINUED TO OCTOBER 2, 2012
- #232-07(5) HESS CORPORATION petition to AMEND Special Permit/Site Plan Approval/Extension of a Nonconforming Use #232-07, granted on December 17, 2007 for the conversion of a full service gasoline selling station to a self-service gasoline selling station and retail convenience store, to revise an existing free standing sign at 2370 COMMONWEALTH AVENUE, Ward 4, Auburndale on land known as Sec 41, Blk 9, Lot 1A in a district zoned MULTI-RESIDENCE 2. Ref: Special Permit #232-07, Sec 30-24, 30-23, and 30-20(l) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED
- #209-12 ABBY GORDON petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE by expanding an existing nonconforming garage further into the rear setback at 56 EXETER STREET, Ward 3, West Newton, on land known as SBL 32, 29, 1, containing approximately 23,462 sq. ft. in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 1 of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED

#210-12 STEPHEN & LESLIE BERNSTEIN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE in order to replace an existing detached garage with a new attached garage and mudroom and to extend an existing rear deck, increasing the Floor Area Ratio from .48 to .52, at 97 HILLSIDE AVENUE, Ward 3, West Newton, on land known as SBL 32, 3, 12, containing approximately 12,551 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-21(b), 30-15(u) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED

#212-12 MICHAEL SOKOLOWSKI, TRUSTEE of 1081 WASHINGTON STREET REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXPAND a NONCONFORMING STRUCTURE to waive 8 parking stalls; to locate parking within the side setback; to waive associated lighting, surfacing, and maintenance requirements for parking facilities of greater than 5 stalls; to waive the one required loading dock; and to extend a nonconforming structure as to yard and setback and to extend a nonconforming structure with regard to height or alternatively for a structure in excess of 24 feet in height in order to construct a new two-story building for retail use at 1081 WASHINGTON STREET, Ward 3, West Newton, on land known as SBL 31, 9, 6, containing approximately 8,736 square feet of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 3, 30-19(c), (d)(1), (d)(10), (h)(1), (l), (j), and (m) of the City of Newton Rev Zoning Ord, 2012.

HEARING CONTINUED (DATE TO BE DETERMINED)

#213-12 NEEDHAM STREET VILLAGE SHOPS LLC/H&J NEWTON LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND A NONCONFORMING USE/STRUCTURE to construct two single-story commercial buildings with an aggregate total gross floor area of 19,200 sq. ft.; to permit retail/service uses including restaurant uses containing up to 150 seats; to waive 20 parking stalls and certain dimensional requirements and associated fencing and lighting requirements for parking facilities greater than five stalls; to waive one required loading dock facility; and to allow a freestanding sign and the number of secondary signs and dimensionals at 49, 55, 71 NEEDHAM STREET, Ward 5, on land known as Sec 51, Blk 28, Lots 23, 22, 20, containing approximately 11,775 sq. ft., 19,625 sq. ft. and 27,475 sq. ft., respectively, for a total of 58,875 sq. ft., in a district zoned MIXED USED 1. Ref: Sec. 30-24, 30-23, 30-21(b), 30-13(b)(1), (4), (5), (h)(1), 30-19(d), (h)(3)a), (i), (l)a)(ii), (j), (k), (l), (m), 30-20(f)(1), (2), (9) and 30-20(l) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, September 10, 2102

Present: Ald. Johnson (Chairman), Ald. Kalis, Baker, Yates, Swiston, Danberg, and Lennon;
absent: Ald. Sangiolo; also present: Ald. Hess-Mahan, Albright, and Linsky
Planning Board members: Joyce Moss (Chairman), David Banash, Leslie Burg, and Scott Wolf,
Candace Havens (Ex officio)

Public Hearings were held on the following items:

#150-09(7) **DIRECTOR OF PLANNING & DEVELOPMENT** proposing that Chapter 30 section 30-13 be amended to establish a Mixed Use 4 (MU4) District; that Section 30-15 be amended to create a new Section 30-15(w) and revised Table 1 and Table 3 providing dimensional standards for development in the MU4; Section 30-15(w) shall include specific standards and special permit criteria for height, residential density, setbacks, accessibility, street-level transparency, lobbies for low-activity uses, open space, and an incentive for including mixed-use residential dwellings; and that Sections 30-13(h) and 13(i) be renumbered and revised to include specific special permit criteria and allow shared parking and connections with adjacent lots.

HEARING CLOSED

#150-09(8) **DIRECTOR OF PLANNING & DEVELOPMENT** proposing a certain parcel of land located at 28 Austin Street in Newtonville identified as Section 24, Block 9, Lot 15, known as the Austin Street Municipal Parking Lot be rezoned to the Mixed Use 4 (MU4) District to allow a mixed-use development.

HEARING CLOSED

#60-10(2) **ALD. HESS-MAHAN** proposing that Chapter 30 sections 30-15(s)(10) and 30-24 be amended to substitute a requirement for a three-dimensional computer model for the option of providing a scaled massing model for special permit applications in the Planned Multi-Use Business District (PMBD), per Section 30-15(s)(10)a), and for commercial and/or multi-family development with a gross floor area of greater than 20,000 square feet, per Section 30-24(b) in order to facilitate compliance with recent amendments to the Open Meeting Law and that Sections 30-23 and 30-24 be amended to reflect the filing procedures in Article X of the Rules & Orders of the Board of Aldermen. [08-06-12 @ 11:59AM]

HEARING CLOSED

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, September 5, 2012

Present: Ald. Salvucci (Chairman), Lennon, Albright, Gentile, Crossley, Danberg, Laredo, and Lappin

#241-12 NATIONAL GRID petitioning for a grant of location to install and maintain 450' ± of 4" gas main in MARCELLUS ROAD from the existing 4" gas main at 40 Marcellus Road to Boulder Road for a new gas service to 36 Boulder Road. (Ward 8) [07-31-12 @3:03 PM]

APPROVED 8-0

#242-12 COMCAST petitioning for a grant of location to install 240' ± of 3" conduit in NEWTONVILLE AVENUE from Pole #35/12 at the intersection of Bowers Street and Newtonville Avenue in a westerly direction to 458-462 Newtonville Avenue. (Ward 2) [07-31-12 @1:41 PM]

APPROVED 7-0 (Laredo excused)

#243-12 COMCAST petitioning for a grant of location to install conduit and vaults in WELLS AVENUE as follows:

A) 1,666'+ of conduit from 75-95 Wells Avenue to 177 Wells Avenue.

B) Nine 2' x 3' vaults in Wells Avenue at the following locations: 75-95 Wells Avenue, 100 Wells Avenue, 120 Wells Avenue, 125 Wells Avenue, 145 Wells Avenue, 154 Wells Avenue, 160 Wells Avenue, 177 Wells Avenue and 180 Wells Avenue. (Ward 8) 08/03/12 @ 11:30 AM]

APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#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.

FINANCE APPROVED 4-0-3 (Fuller, Gentile, Linsky abstaining; Salvucci not voting) on 09/10/12

APPROVED 7-0-1 (Gentile abstaining)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#255-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two million seven hundred thousand dollars (\$2,700,000) from bonded indebtedness for the purpose of funding the design and construction of 9,500 linear feet of hydraulically deficient water main pipe in Washington Street from Church Street to Chestnut Street. [08/06/12 @ 3:25 PM]

FINANCE APPROVED on 09/10/12

APPROVED 7-0-1 (Gentile abstaining)

REFERRED TO FINANCE COMMITTEE

Monday, September 10, 2012

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

#103-12(2) **HIS HONOR THE MAYOR** requesting authorization to transfer the sum of seventy-five thousand dollars (\$75,000) from Forestry Services Full Time Salaries to Forestry Services – Forestry Services – Forestry/Tree Services.

APPROVED 8-0

#250-12 **HIS HONOR THE MAYOR** requesting authorization to transfer the sum of eleven thousand seven hundred sixty dollars (\$11,760) from Current Year Budget Reserve to Clerk of the board Full Time Salaries for the purpose of funding an adjustment to the salary of the City Clerk/Clerk of the Board. [08/06/12 @ 3:26 PM]

APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#255-12 **HIS HONOR THE MAYOR** requesting authorization to appropriate the sum of two million seven hundred thousand dollars (\$2,700,000) from bonded indebtedness for the purpose of funding the design and construction of 9,500 linear feet of hydraulically deficient water main pipe in Washington Street from Church Street to Chestnut Street. [08/06/12 @ 3:25 PM]

PUBLIC FACILITIES APPROVED 7-0-1 (Gentile abstaining) on 09/05/12

APPROVED 8-0

#251-12 **HIS HONOR THE MAYOR** requesting authorization to increase the authorized number of Full Time Equivalent (FTE) positions in the Planning and Development by .2 FTEs and to transfer the sum of fifteen thousand dollars (\$15,000) from Current Year Budget Reserve to Planning Part Time Salaries for the purpose of funding additional hours for part time staffing to assist in the completion of the Recreation and Open Space Plan. [08/06/12 @ 3:26 PM]

APPROVED 8-0

#252-12 **HIS HONOR THE MAYOR** requesting authorization to transfer the sum of thirty thousand dollars (\$30,000) from Current Year Budget Reserve to Planning Part Time Salaries for the purpose of funding additional hours for staffing to assist in the completion of work required on a variety of active projects.

APPROVED 8-0

#253-12 **HIS HONOR THE MAYOR** requesting authorization to increase the authorized number of Full Time Equivalent (FTE) positions in the Inspectional Services Department by .5 FTEs and to transfer the sum of twenty five thousand dollars (\$25,000) from Current Year Budget Reserve to Inspectional Services Admin Part Time Salaries for the purpose of funding a part-time ADA/Section 504 Accessibility Coordinator position for the remainder of the fiscal year.

APPROVED 8-0

#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 8-0

#56-07(4) HIS HONOR THE MAYOR requesting an amendment to the Newton North High School New Construction Project Appropriation Schedule included in Board Order #56-07(2) approved April 22, 2008 to reflect the final cost of the project.
[07/02/12 @ 5:03 PM]

HELD 8-0

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#79-12 COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of nine hundred thirty eight thousand sixty-three dollars (\$938,063) to the Planning & Development Department for the creation of seven units of affordable rental housing at 12 and 18-20 Curve Street, West Newton, as described in the proposal submitted by Myrtle Village, LLC. [03/01/12 @ 5:00 PM]

ZAP VOTED NO ACTION NECESSARY 5-0 on 08/16/12

NO ACTION NECESSARY 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#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]

PUBLIC FACILITIES APPROVED 7-0-1 (Gentile abstaining) on 09/05/12

APPROVED 4-0-3 (Fuller, Gentile, Linsky abstaining; Salvucci not voting)

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