

REPORTS DOCKET

Oct. 2: Land Use Continued
Oct. 3: Programs & Services; Public Safety & Transportation; Public Facilities Page 206
Oct. 9: Land Use Monday, October 1, 2012
7:45 PM, Newton City Hall
To be reported on
MONDAY, OCTOBER 15, 2012

CITY OF NEWTON

IN BOARD OF ALDERMEN

REFERRED TO LAND USE COMMITTEE

Tuesday, October 2, 2012

Present: Ald. Hess-Mahan (Chairman), Ald. Merrill, Albright, Laredo, Fischman, Crossley, Harney, and Schwartz,

The public hearing opened on September 11, 2012 was continued on the following petition:

#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 and to convert an outdoor temporary tent structure into a permanent pergola with an increase of 32 seats for seasonal dining at 326-358 FULLER STREET, Wards 4 and 5 which property includes Section, Block, and Lot nos. 53, 40, 13; 53, 29, 1; 43, 45, 27; 32, 27, 1; 43, 44, 7A; 53, 40, 12; 53, 31, 26; 53, 31, 25 containing approximately 8,417,219 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 CLOSED; APPROVED 8-0

#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(1) of the City of Newton Rev Zoning Ord, 2012.
APPROVED 8-0

#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.

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. (10/31/12)

APPROVED 6-1-1 (Hess-Mahan opposed; Schwartz abstaining)

REFERRED TO LAND USE COMMITTEE

October 9, 2012

Present: Ald. Hess-Mahan (Chairman), Ald. Albright, Crossley, Merrill, Fischman, Laredo, and Harney; absent: Ald. Schwartz; also present: Ald. Fuller, Danberg, Sangiolo, Gentile, and Yates
 Planning & Development Board members: Joyce Moss (Chairman), David Banash, Scott Wolf, and Candace Havens, ex officio

Public Hearings were held on the following items:

#259-12 NINE RIPLEY LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to add an attached dwelling to an existing dwelling and to construct two additional attached dwellings for a total of 4 dwellings; waive the setback requirements; allow a driveway 5 feet from a side lot line, construct a retaining wall greater than 4 feet in height within a required setback; and, allow parking within the side setbacks at 9 RIPLEY STREET, Ward 6, Newton Centre, on land known as SBL 65, 19, 20, containing approx. 19,367 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(b)(5), (b)(5)a), b), (b)(4), 30-19(g)(1), and (m) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED

#271-12 DAVID AUTOR & MARIKA TATSUTANI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct a rear addition to expand the kitchen and add a mudroom which will increase the Floor Area Ratio from .71 to .73, where .48 is allowed by right, at 54 OXFORD ROAD, Ward 6, Newton Centre, on land known as SBL 62, 4, 18, containing approx.. 7,681 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u) of the City of Newton Rev Zoning Ord, 2012.

HEARING CLOSED; APPROVED 6-0 (Merrill not voting)

- #149-03(4) BERTUCCI'S COPORATION/THE NOLAN BROTHERS petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #149-03 granted on June 2, 2003 to allow a restaurant use (~~420~~-100 seats) in a MIXED USE 1 District and to waive the 25 parking stalls required for such use at 300 NEEDHAM STREET, Ward 8, on land known as SBL 83, 30, 11 containing 205,211 sq. ft. of land. Ref: Sec 30-24, 30-23, 30-19©, (d)(13), and (m), 30-13(b)(5) of the City of Newton Zoning Ord 2012 and Special Permit #149-03 and #149-03(2).
HEARING CLOSED; APPROVED AS AMENDED 6-0 (Merrill not voting)
- #272-12(2) BH NORMANDY OWNER, LLC petition for a change of zone to Mixed Use 3/Transit Oriented District for a portion of land located at 399 GROVE STREET, also identified as Section 42, Block 11, Lot 4, currently zoned Business 5.
HEARING CONTINUED TO A DATE TO BE DETERMINED
- #272-12 BH NORMANDY OWNER, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for several improvements to be completed over two phases. The first phase requires a special permit to (1) amend the current site plan by adding a pool deck awning; reconfiguring the delivery and trash pick-up area at the front of the hotel; reconfiguring the existing parking areas; reflecting existing and proposed signage; and reflecting existing wireless communications equipment; (2) extend a nonconforming structure by adding a pool deck awning; (3) obtain waivers for number of parking stalls and parking facility design standards including stall width, stall depth, handicap stall depth, maneuvering space for end stalls, maneuvering space for aisles, maximum width for entrance and exit driveways, landscape screening, interior landscaping, surfacing and curbing, one foot candle lighting, number of bicycle parking spaces, and design of loading facilities; and (4) authorize existing and proposed signage at 399 GROVE STREET, Ward 4.. The second phase anticipates that a portion of the applicant's lot will be conveyed or taken to provide rear access/egress to the proposed Riverside Development. This taking or conveyance would require special permit relief to (6) authorize an FAR greater than 1.0; (7) extend the existing nonconforming lot coverage; (8) obtain relief for the existing nonconforming building (i.e., height, number of stories and loading facility) as the building may be affected by a reduction in lot area; and (9) obtain a waiver for number of required parking stalls; all on land known as Section 42, Block 11, Lot 4 containing approximately 116,650 square feet of land in a Business 5 Zoned district. Ref: Sections 30-15, Table 3; 30-19(d)(3); 30-19(d)(13); 30-19(h); 30-19(h)(2)a); 30-19(h)(2)b); 30-19(h)(2)c); 30-19(h)(2)e); 30-19(h)(3)b); 30-19(h)(4)b); 30-19(i); 30-19(i)(1); 30-19(i)(2); 30-19(j); 30-19(j)(1)a); 30-19(j)(2)e); 30-19(k)(1); 30-19(l); 30-19(m); 30-20(f)(1); 30-20(f)(2); 30-20(f)(9); 30-20(l); 30-21(b); 30-23; 30-24; and 30-26(a)(1) of the City of Newton Revised Zoning Ordinances, 2012.
HEARING CONTINUED TO A DATE TO BE DETERMINED

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, October 3, 2012

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

Public Facilities members present: Ald. Salvucci (Chairman), Ald. Lennon, Albright, Salvucci,
Gentile, Crossley, Laredo, and Lappin; also present: Ald. Kalis and Yates

*The following item was taken up jointly by Programs & Services and Public Facilities
Committees:*

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

#302-12 HIS HONOR THE MAYOR, with the support of Ald. Rice, Crossley, Yates,
Fischman, and Kalis requesting authorization to execute a 99-year lease between
the City of Newton and the Massachusetts Bay Transportation Authority (MBTA)
for .97 miles of unused MBTA rail bed that runs parallel to Needham Street to
create a multi-purpose recreational pathway. [09/24/12 @ 5:00 PM]

PUBLIC FACILITIES HELD 8-0

HELD 7-0

Appointment by His Honor the Mayor

#265-12 DINA CONLIN, 46 Shornecliffe Road, Newton, appointed as a member of the
LICENSING BOARD, for a term of office to expire the first Monday of June
2018 pursuant to G.L. chapter 138 Section 5.

APPROVED 6-0 (Linsky not voting)

Appointment by His Honor the Mayor

#286-12 DONALD FISHMAN, 68 Littlefield Road, Newton Centre, currently an *alternate*
member, appointed as a full member of the PARKS & RECREATION
COMMISSION for a term to expire September 11, 2015 (60 days 12/01/12).

APPROVED 5-0-1 (Blazar abstaining; Linsky not voting)

Appointment by His Honor the Mayor

#289-12 INDIRA DESAI, 14 Clements Road, Newton, appointed as a member of the
ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a one-year
term to expire January 31, 2014 (60 days 12/01/12). [09-14-12 @3:04PM]

APPROVED 6-0 (Linsky not voting)

Appointment by His Honor the Mayor

#290-12 PETER BUECHLER, 177 Winchester Street, Newton Highlands, appointed as a
member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES
for a one-year term to expire January 31, 2014 (60 days 12/01/12). [09-14-12
@3:04PM]

APPROVED 6-0 (Linsky not voting)

Appointment by His Honor the Mayor

#291-12 BRENDA MULLIGAN, 109 Adena Road, West Newton, appointed as a member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a two-year term to expire January 31, 2015 (60 days 12/01/12). [09-14-12 @3:04PM]
APPROVED 6-0 (Linsky not voting)

Appointment by His Honor the Mayor

#292-12 BETTY COHEN, 104 Manet Road, Newton Centre, appointed as a member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a two-year term to expire January 31, 2015 (60 days 12/01/12). [09-14-12 @3:04PM]
APPROVED 6-0 (Linsky not voting)

Appointment by His Honor the Mayor

#294-12 KRISZTINA A. BUKER-DOCZY, 32 Union Street, Newton Centre, as a member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a term to expire January 31, 2016 (60 days 12/01/12). [09-14-12 @3:04PM]
APPROVED 6-0 (Linsky not voting)

Re-appointment by His Honor the Mayor

#288-12 JULIA FELDMAN, 50 Commonwealth Park West, Newton Centre, re-appointed as a member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a term to expire January 31, 2016 (60 days 12/01/12). [09-14-12 @3:04PM]
APPROVED 6-0 (Linsky not voting)

Re-appointment by His Honor the Mayor

#192-12 JOHN NEVILLE, 86 High Street, Newton Upper Falls, re-appointed as a member of the NEWTON COMMONWEALTH FOUNDATION for a term to expire April 1, 2015 (60 days 09/07/12). [06/20/12 @11:14 AM]
APPROVED 6-0 (Linsky not voting)

#295-12 ALD. LINSKY AND BAKER recommending an amendment to §12-67 of the City of Newton Ordinances to provide that the Health Care Advisory Committee shall issue its report by a date certain as set by the Mayor and Board of Aldermen and thereafter by request of the Mayor and Board of Aldermen [09/24/12 @ 11:28 PM]
APPROVED AS AMENDED 7-0

#266-12 ALD. YATES proposing that the Rules & Orders of the Board of Aldermen be amended to conform to the standard practice that only zoning map changes relating to special permit petitions shall be referred to the Land Use Committee and all zoning map changes relating to individual, specific parcels be referred to Zoning & Planning Committee. [08-17-12 @ 1:32 PM]
APPROVED 7-0 SUBJECT TO 2nd CALL

Re-appointment by His Honor the Mayor

- #285-12 PETER JOHNSON, 121Fairway Drive, West Newton, re-appointed as a member of the PARKS & RECREATION COMMISSION for a term to expire September 11, 2015 (60 days 12/01/12). [09-14-12 @3:04PM]
HELD 6-0 (Linsky not voting)

Appointment by His Honor the Mayor

- #293-12 ARIC PARNES, 43 Beverly Road, Newton Highlands, appointed as a member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a term to expire January 31, 2016 (60 days 12/01/12). [09-14-12 @3:04PM]
HELD 6-0 (Linsky not voting)

Appointment by His Honor the Mayor

- #287-12 JOSEPH FRASSICA, 123 Spiers Road, Newton Centre appointed as an *alternate member* of the PARKS & RECREATION COMMISSION for a term to expire September 11, 2015 (60 days 12/01/12). [09-14-12 @3:04PM]
HELD 6-0 (Linsky not voting)

- #162-11(2) DIRECTOR OF PLANNING & DEVELOPMENT requesting a letter of support from the Board of Aldermen for the Draft *2013-2020 Recreation and Open Space Plan*. [08-06-12 @11:53AM]
HELD 7-0

- #230-12 ALD. SANGIOLO requesting the establishment of guidelines and policies regarding the creation of Neighborhood Area Councils particularly with respect to (1) boundary delineations and (2) description of area council authority and review of process for signatures collected and voting. [08-06-12 @4:39PM]
HELD 7-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #254-12 ALD. HESS-MAHAN, SANGIOLO, DANBERG, KALIS, CROSSLEY proposing an ordinance relating to plastic bag reduction that would add a fee to single-use plastic and paper bags that are not at least 40% post-consumer recycled content, at certain retail establishments in Newton. [07/18/12 @4:34 PM]
HELD 6-0 (Linsky not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, October 3, 2012

Present: Ald. Ciccone (Chair), Johnson, Swiston, Yates, Fuller, Schwartz and Kalis; absent: Ald. Harney; also present: Ald. Linsky and Albright

- #268-12 WARD 2 ALDERMEN, filing an appeal from TC29-12 (A&B), which requested removal of metered parking spaces on Walnut Street across from Washington Park and Madison Avenue (Ward 2), approved by Traffic Council on July 26, 2012. (Appeal filed 08/13/12)
A) HELD removal of Meter #266, Walnut Street across from Washington Park 6-0 (Kalis not voting)
B) APPEAL DENIED removal of Meters #253 and #254, Walnut Street across from Madison Avenue 6-0 (Kalis not voting)
- #267-12 ALD. CICCONE, proposing that **Sec. 19-309. Requirements as to vehicles generally. and 19-332. Procedure for obtaining licenses.** be amended to include limousines and that **Sec. 19-338 Limousine Permits** be amended to include an annual fee of \$25 and an annual inspection. [08/21/12 @ 10:29 AM]
HELD 6-0 (Kalis not voting)
- #194-12 ALD. CICCONE proposing that **Sec. 19-309. Requirements as to vehicles generally. and 19-332. Procedure for obtaining licenses.** be amended to include vans and that **Sec. 17-3. Fees for certain licenses and permits.** be amended to include a \$25 annual fee for vans. [06/21/12 @ 11:28AM]
HELD 6-0 (Kalis not voting)
- #232-12 FRANK TERRIO on behalf of NEWTON YELLOW CAB requesting either an exemption from the City of Newton Ordinances 2012, Sec. 19-309. **Requirements as to vehicles generally - c), no vehicle shall be approved for use as a taxicab or public automobile or van in the city when the vehicle is ten (10) years old or older, the age of each vehicle to be determined from the year of manufacture to the year for which the vehicle license is to issue.** or an amendment to allow a vehicle to be used as a taxicab, public auto or van when the vehicle is over ten years old if it passes Police Department inspection. [08/02/12 @ 2:53 PM]
HELD 7-0
- #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]
HELD 7-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, October 3, 2012

Present: Ald. Salvucci (Chairman), Lennon, Albright, Salvucci, Gentile, Crossley, Laredo, and Lappin; also present: Ald. Baker, Blazar, Hess-Mahan, Kalis, Linsky, Merrill, Rice, Sangiolo, and Yates

- #275-12 **NATIONAL GRID** petitioning for a grant of location to install and maintain 230' ± of 6" gas main in ELMWOOD STREET from the existing 3" gas main at Eldredge Street westerly to Baldwin Street and 255' ± of 6" gas main in BALDWIN STREET from the proposed 6" gas main in Elmwood Street southerly to 19 Baldwin Street. (Ward 1) [09/05/12 @ 2:38 PM]
APPROVED 7-0-1 (Albright)
- #276-12 **NATIONAL GRID** petitioning for a grant of location to install and maintain 90' ± of 6" gas main in COLUMBINE ROAD from the existing 6" gas main at 57 Columbine Road to 45 Columbine Road. (Ward 8) [09/05/12 @ 2:38 PM]
APPROVED WITH CONDITION 8-0
- #270-12 **NATIONAL GRID** petitioning for a grant of location to install and maintain 62' ± of 6" gas main in DEDHAM STREET from the existing 6" gas main at 127 Dedham Street to 135 Dedham Street. (Ward 5 & 8) [07/20/12 @ 1:46 PM]
APPROVED WITH CONDITION 8-0
- #277-12 **NATIONAL GRID** petitioning for a grant of location to install and maintain 90' ± of 4" gas main in NEAL STREET from the existing 4" gas main at Baker Place westerly to 19 Neal Street. (Ward 4) [09/05/12 @ 2:37 PM]
APPROVED WITH CONDITION 8-0

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

- #302-12 **HIS HONOR THE MAYOR**, with the support of Ald. Rice, Crossley, Yates, Fischman, and Kalis, requesting authorization to execute a 99-year lease between the City of Newton and the Massachusetts Bay Transportation Authority (MBTA) for .97 miles of unused MBTA rail bed that runs parallel to Needham Street to create a multi-purpose recreational pathway. [09/24/12 @ 5:00 PM]
PROGRAMS & SERVICES HELD 7-0 on 10/03/12
HELD 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #54-12 **ALD. SALVUCCI, BLAZAR AND FULLER** requesting the creation of a revolving fund into which 50% of all betterment income shall be deposited to be used exclusively for individual requests for betterments. [02/02/12 @ 10:21 AM]
HELD 8-0
- #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]
NO ACTION NECESSARY 8-0

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.