

DOCKET

Nov. 7: Programs&Services, Public Safety&Transportation; Public Facilities Continued
Nov. 8: Land Use Page 229
Nov. 13: Land Use Monday, November 5, 2012
Nov. 15: Zoning & Planning 7:45 PM, Newton City Hall
To be reported on
MONDAY, NOVEMBER 19, 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

The Public Hearing on the following petition was opened and continued on September 11, 2012; it will be continued to November 13, 2012:

#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.

Public Hearing to be assigned for November 27, 2012:

#272-12(3) **BH NORMANDY OWNER, LLC** petition to AMEND Special Permit/Site Plan Approval application #272-12, for which a public hearing was opened on October 9, 2012, with respect to EXTENDING a NONCONFORMING STRUCTURE to allow construction of a ramp on the easterly side of the Hotel Indigo at 399 Grove Street, Newton Lower Falls. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2012.

OTHER COMMUNICATIONS

Zoning Board of Appeals Decision, October 2, 2012:

#325-12 MALCOLM HODGE & MIMI TUN petition for a variance from the rear yard setback requirement in order to construct a 6-foot extension to an existing attached 2-car garage at 124 Highland Street, West Newton.

APPROVED

REFERRED TO ZONING & PLANNING COMMITTEE

Appointment by His Honor the Mayor

#326-12 FRANK McGEHEE, 20 River Street, West Newton, appointed as a member of THE ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 18, 2015 (60 days 01/04/13) [10-22-12 @3:17PM]

Appointment by His Honor the Mayor

#327-12 ROBERT FINKEL, 6 Stearns Street, Newton Centre, appointed as a member of THE ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 18, 2014 (60 days 01/04/13) [10-25-12 @4:14PM]

#328-12 DINO ROSSI, 362 Watertown Street, Newton, requesting that the current Table A in Section 30-15 of the City of Newton Ordinances be replaced with the Sliding FAR Scale Table that was presented by the FAR Working Group in their Final Report. [10-26-12 @11:08AM]

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Appointment by His Honor the Mayor

#329-12 NANCY LEVINE, 379 Central Street, Auburndale, appointed as a member of THE ELECTION COMMISSION for a term to expire March 31, 2015 (60 days 01/04/13) [10-22-12 @3:17PM]

Re-appointment by His Honor the Mayor

#330-12 ROBERT KLIVANS, 69 Pine Ridge Road, Waban, re-appointed as a member of THE BOARD OF TRUSTEES OF THE NEWTON FREE LIBRARY for a term to expire June 30, 2017 (60 days 01/04/13) [10-16-12 @12:21PM]

Re-appointment by His Honor the Mayor

#331-12 THOMAS TURNER, 60 Wyoming Road, Newtonville, re-appointed as a member of THE NEWTON HOUSING AUTHORITY for a term to expire October 18, 2017. (60 days 01/04/13) [10-25-12 @ 10:51AM]

Re-appointment by His Honor the Mayor

#332-12 DANIEL GREEN, 46 Glen Avenue, Newton Centre, re-appointed as a member of THE CONSERVATION COMMISSION for a term to expire October 25, 2015. (60 days 01/04/13) [10-25-12 @ 10:51AM]

- #333-12 ALD. CROSSLEY AND HESS-MAHAN, on behalf of Green Decade Newton, requesting a discussion and possible Resolution, asking that Newton join the Center for Biological Diversity's Clean Air Campaign by sending a Resolution to the US Administration and Environmental Protection Agency urging them to assert and enforce certain provisions of the nation's Clean Air Act in order to help communities achieve cuts in greenhouse gas pollution. [10-11-12 @ 5:05PM]
- #334-12 ALD. SWISTON AND LINSKY requesting a discussion with the Licensing Board regarding the licensing and permit requirements for non-profit organizations. [10-10-12 @ 3:52PM]
- #335-12 DAVID OLSON requesting a discussion of Mayor Warren's Executive Order #1 which authorizes the use of remote participation for City Boards and Commissions as it relates to and effects the Board of Aldermen's Committee and Full Board meetings, and to make any necessary changes to the Board Rules to allow and regulate remote participation should it be deemed acceptable. [10-3-12 @4:56PM]
- #336-12 HIS HONOR THE MAYOR, ALD. BAKER, FULLER AND LAREDO, requesting a discussion to include possible uses, process, timeline, opportunity for community input and funding sources, with the affected neighborhood community and with members of the Board of Aldermen, on the potential acquisition for passive or active recreational uses of the five acre parcel in Ward 7 on Manet Road currently held by the MWRA as an obsolete open water reservoir. [10-3-12 @ 6:57PM]

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

- #337-12 ALD. LINSKY, CICCONE, ALBRIGHT & JOHNSON, requesting authorization for the installation of a bicycle corral adjacent to 321 Walnut Street, Newtonville. [10/11/12 @ 8:18 PM]
- #338-12 DOROTHY W. DUNDAS, 15 Moreland Avenue, Newton Centre, MA 02459 requesting renewal of **one (1) public auto license** for Crystal Lake Express. [09/10/12 @ 8:50 AM]
- #339-12 JERRY ROBBINS, 253 Riverview Avenue, Newton, MA 02466, requesting renewal of **four (4) public auto licenses** for Weldon Group Inc. [09/24/12 @ 9:35 AM]
- #340-12 AHCENE TOURI, 31 Irving Street, #A-8, Watertown, MA 02472, requesting renewal of **one (1) taxi license** for Newton Metro Cab. [09/12/12 @ 11:56 AM]
- #341-12 MOHAMED SAIDI, 77 Cedar Street, Boston, MA 02119, requesting renewal of **one (1) taxi license** for Newton Luxury Cab. [09/25/12 @ 1:11 PM]

- #342-12 MICHAEL ANTONELIS, 224 Calvary Street, Waltham, MA 02453, requesting renewal of **four (4) public auto licenses, forty-nine (49) taxi licenses, and twelve (12) designated taxi stands** for VETERANS TAXI of NEWTON, LLC [09/27/12 @ 2:31 PM]
- #343-12 RICHARD E. JOHNSTON, 25 Border Street, West Newton, MA 02465 requesting renewal of **twenty (20) taxi licenses and two (2) designated taxi stands** for Newton Yellow Cab, Inc. [09/28/12 @ 3:32 PM]
- #344-12 GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **two (2) taxi licenses** for Newtonville Cab Co. Inc. [09/28/12 @ 4:03PM]
- #345-12 GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **three (3) taxi licenses** for Newton Taxi Co. [09/28/12 @ 4:03PM]
- #346-12 GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **three (3) taxi licenses and two (2) designated taxi stands** for Holden's Taxi Inc. [09/28/12 @ 4:03PM]
- #347-12 YEKATERINA PORTNAYA, PO Box 42, 90 Oak Street, 4th floor, Newton, MA 02464 requesting renewal of **one (1) public auto license** for Beantown Carriage, LLC. [10/01/12 @ 10:13 AM]
- #348-12 ANIS LAHIANI, 4 Cedar Street, Suite 405, Wellesley, MA 02481, requesting renewal of **one (1) taxi license** for Newton Town Taxi. [10/01/12 @ 2:04 PM]
- #349-12 HAMDIL TLILI, 12 Appleton Street, Waltham, MA 02453, requesting renewal of **one (1) public auto license** for Newton Car Service. [10/02/12 @ 2:01 PM]
- #350-12 DONALD LaPLANTE, 395 Lexington Street, Auburndale, MA 02466, requesting renewal of **(one) public auto license** for Don's Car Service. [10/03/12 @ 3:57 PM]
- #351-12 DAVID NEWCOMB, 275 Grove Street, Suite 2-400, Auburndale, MA 02466 requesting renewal of **one (1) public auto license** for NEWTON COACH, INC. [10/10/12 @ 12:07 PM]
- #352-12 ZAKARIA ATROUSSE, 9 Hazelwood Street, Malden, MA 02148, requesting renewal of **one (1) public auto license** for Boston City Limousine. [10/10/12 @ 1:10 PM]
- #353-12 MEDHI HAULANI, 72 Beaver Street, Waltham, MA 02453, requesting renewal of **three (3) taxi licenses** for NEWTON CAB. [10/11/12 @ 2:58 PM]

- #354-12 ROBERT KEEFE, 266 Nevada Street, Newton 02460, requesting renewal of **one (1) public auto license** for Charter Rides, Inc. [10/16/12 @ 9:39 AM]

REFERRED TO PUBLIC FACILITIES COMMITTEE

Public Hearing to be assigned for November 7, 2012:

- #355-12 NATIONAL GRID requesting a grant of location to install and maintain 110' ± of 4" gas main in WINSTON ROAD from the existing 4" gas main at 46 Winston Road westerly to 38 Winston Road. (Ward 5) 10/10/12 @ 1:47 PM]

Public Hearing to be assigned for November 7, 2012:

- #356-12 NSTAR ELECTRIC petitioning for a grant of location to install 12,432' ± of supplemental 8" diameter steel cooling circulation pipeline and a 4" conduit in the same trench in DEDHAM STREET from the Boston town line near the intersection of Spiers Road and Dedham Street to the intersection of Dedham, Winchester and Needham Streets. The project also includes the installation of eleven street rated hand-holes (3' x 3' x 3) in Dedham Street to facilitate the installation of fiber optic cable as shown on the plan and profile drawings. The pipeline and conduit will continue down Needham Street (state road) to the Elliot Street Substation. NStar is requesting the grant of location in order to address the need to provide additional electric transmission reliability and capacity to address current and future demand supply at the existing Elliot Street Substation #292 in Newton. (Ward 5 & 8) [10-18-12 @ 4:34 PM]

REFERRED TO FINANCE COMMITTEE

- #357-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one million eight hundred fifty thousand dollars (\$1,850,000) from FY 2012 Free Cash to the Rainy Day Stabilization Fund. [10-30-12 @ 12:42 PM]

- #358-12 HIS HONOR THE MAYOR requesting authorization to expend a fifteen thousand dollars (\$15,000) reimbursable grant from the Massachusetts Historical Commission for the purpose of surveying and documenting historic buildings in the City of Newton. [10/30/12 @ 12:42]

#323-12

HIS HONOR THE MAYOR requesting local acceptance of the following sections of Massachusetts General Laws Chapter 59 related to tax exemptions:

- The provisions of Chapter 59 section 5 added by Chapter 181 of the Acts of 1995, which authorizes an annual increase in the amount of the exemption granted to senior citizens, surviving spouses and surviving minors under General Laws Chapter 49, Section 5, Clause 17D by up to 100% of the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) for the previous year as determined by the Commissioner of Revenue, and to fix that annual increase at 100% of the CPI: to be effective for exemptions granted any fiscal year beginning on or after July 1, 2013.
- Chapter 59, Section 5, Clause 17E, which authorizes an annual increase in the asset (the whole estate) limit for exemptions granted to senior citizens, surviving spouses, and surviving minors by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted any fiscal year beginning on or after July 1, 2013.
- Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted any fiscal year beginning on or after July 1, 2013.
- Chapter 59, Section 5N to establish a Veteran's Tax Work-Off Program that will authorize a qualifying veteran or a proxy, if the qualifying veteran is physically unable to perform the work, to work-off up to the maximum reduction of the real property⁷ tax bill based on 125 volunteer service hours in a given tax year. .
- Chapter 59, Section 5K, (Senior Tax Work-Off Program) and the amendment to Section 27-20 of the Revised Ordinances of the City of Newton 2012 to allow the maximum reduction to be based on 125 hours of service, rather than \$1,000, as well as discussion of adopting a provision to allow a proxy to perform the work on behalf of a qualifying senior who is physically unable to perform the volunteer service.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#324-12 HIS HONOR THE MAYOR requesting the following:

- (1) To present the following levy limit override and debt exclusion ballot questions to the voters in accordance with the procedure prescribed by Massachusetts General Law Chapter 59, Section 21C(g) and (k):
- Shall the City of Newton be allowed to assess an additional \$8,400,000 in real estate and personal property taxes for the purpose of funding municipal and school operating and capital expenses to support increased student enrollment, fund street and sidewalk paving, fund public safety personnel, address the condition and capacity of Zervas Elementary School, fund the relocation of the fire Department Wires Division, and fund the replacement of Fire Headquarters and Fire Station 3 in Newton Centre for the fiscal year beginning July 1, 2013?
Yes _____ No _____
 - Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 1/2, so called, the amounts required to pay for the bonds issued in order to renovate or replace the A.E. Angier Elementary School?
Yes _____ No _____
 - Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 1/2, so called, the amounts required to pay for the bonds issued in order to renovate or replace the Cabot Elementary School?
Yes _____ No _____
- (2) A request to call a special election to present the levy limit override and debt exclusion ballot questions to the voters and set a date of March 12 2013, for such special election.
- (3) A Request to appropriate from Budget Reserve the sum of eighty-five thousand dollars (\$85,000) for the purpose of funding the costs of a special election to present the levy limit override and debt exclusion ballot questions to the voters.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#359-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of three hundred thousand dollars (\$300,000) from the FY 2013 Budget Reserve to the Parks & Recreation Forestry Vehicle Rentals Account for the purpose of responding to tree damage as a result of Hurricane Sandy. [10/30/12 @ 12:42 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #54-12(2) PUBLIC FACILITIES COMMITTEE proposing that Chapter 26, Section 71 (b)(1) & (2) and Section 73(c)(2) of the City of Newton Ordinances be amended by increasing the assessment minimum from five hundred dollars (\$500) to no more than two thousand dollars (\$2,000). [10/17/12]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #41-10(2) COMMUNITY PRESERVATION COMMITTEE requesting authorization to appropriate the sum of one hundred eighty thousand dollars (\$180,000) from the Community Preservation Fund for the purpose of providing supplemental funding for the Newton Community Farm Barn Rehabilitation Project.

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.