

## REPORTS DOCKET

Oct. 16: Land Use Continued  
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Oct. 17: Programs&Services; Public Safety; Public Facilities Monday, October 15, 2012  
Oct. 22: Finance; Zoning & Planning 7:45 PM, Newton City Hall  
Oct. 23: Land Use To be reported on  
Oct. 30: Public Facilities **MONDAY, NOVEMBER 5, 2012**

### CITY OF NEWTON

#### IN BOARD OF ALDERMEN

#### REFERRED TO LAND USE COMMITTEE

Tuesday, October 16, 2012

Present: Ald. Hess-Mahan (Chairman), Ald. Albright, Crossley, Laredo, Fischman, Harney, Merrill, and Schwartz; also present: Ald. Fuller, Yates, Sangiolo, and Gentile  
*Please note:* David Banash was the only member of Planning & Development Board present for petition #258-12; the Planning & Development Board will advertise and hold a separate hearing for #258-12 on December 3, 2012.

#258-12 BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY petition for a change of zone to Mixed Use 3/Transit Oriented District for a portion of land located at 327 Grove Street, also identified as Section 42, Block 11, Lot 3A, currently zoned Public Use.  
**HEARING CONTINUED TO A DATE TO BE DETERMINED**

#258-12(2) BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit oriented development including an office building of approximately 225,000 sq. ft., a residential building containing 290 apartments with 5,000 sq. ft. of retail space, a three story building containing approximately 15,000 sq. ft. of retail space and approximately 8,000 sq. ft. of community space, and related site improvements; to permit office use on the ground floor, medical office use, retail and personal establishments of more than 5,000 sq. ft., eating and drinking establishments of more than 5,000 sq. ft., retail banking and financial services, and health club establishments on the ground floor; and reduced minimum setbacks of side setback of office building, and front setback of retail/community building; parking facility design standards including stall width, stall depth, maneuvering space for end stalls, minimum width for entrance and exit driveways, tandem stalls, number of required off-street loading facilities and design standards of same, landscape screening requirements, surfacing and curbing requirements and one foot candle lighting at 327 GROVE STREET, Ward 4, on land known as SBL 42, 11, 3A containing approx. 9.4 acres of land in a proposed Mixed

Use 3 Transit Oriented Zoned district. Ref: Sec 30-13(f), Table A Footnote ; 30-13(g); 30-15(v)(1); 30-15, Table 3; 30-19(d)(22); 30-19(h); 30-19(h)(2)a); 30-19(h)(2)b); 30-19(h)(2)e); 30-19(h)(4)a); 30-19(h)(5)a); 30-19(i); 30-19(i)(1)a); 30-19(j); 30-19(j)(1)a); 30-19(j)(2)d); 30-19(l); 30-19(l)(2); 30-19(l)(3); 30-19(m); 30-23; 30-24; 30-24(i)(7) of the City of Newton Revised Zoning Ord, 2012.

**HEARING CONTINUED TO A DATE TO BE DETERMINED**

**REFERRED TO LAND USE COMMITTEE**

Tuesday, October 23, 2012

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

#272-09(3) **HERRICK ROAD REALTY TRUST** petition for ONE-YEAR EXTENSION of TIME, from December 21, 2012 to December 21, 2013 in which to exercise SPECIAL PERMIT/SITE PLAN APPROVAL #272-09, granted on December 21, 2009 to erect at 39 HERRICK ROAD, Ward 6, NEWTON CENTRE (Lot 7) a 3-story mixed-use building containing 4 dwelling units and ground floor commercial space with a 75-seat restaurant, with underground parking and associated parking waivers (allow 1¼ parking spaces per housing unit; allow off street parking facilities to be located on a separate lot; waive 9 parking spaces; waive 3 bicycle parking spaces; allow frontage to be measured along a public footway) and to construct a retaining wall greater than 4 feet within the rear/side setbacks and waive 18 existing parking spaces on Lot 7 Herrick Road, on land known as Sec 61, Blk 35, Lots 6 and 7, in a district zoned BUSINESS 1.  
**NO ACTION NECESSARY 4-0 (Fischman, Harney, Schwartz not voting)**

#137-10(4) **REQUEST FOR AN EXTENSION OF TIME** in which to EXERCISE Special Permit/Site Plan Approval #137-10(3) granted to SHARAD S. GANDBHIR on November 21, 2011 for an accessory apartment in an existing detached structure and to allow three parking spaces in the front setback and less than five feet from the front lot line at 298-300 ADAMS STREET, Ward 1; said EXTENSION will run from November 21, 2012 to November 21, 2013. Ref: Sec. 30-24(c)(4)of the City of Newton Rev Zoning Ord, 2012.  
**NO ACTION NECESSARY 4-0 (Fischman, Harney, Schwartz not voting)**

#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.  
**APPROVED 4-0 (Fischman, Harney, Schwartz not voting)**

#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.

**HELD 7-0**

#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.

- (1) **6-PARKING-STALL WAIVER FOR RETAIL USE ONLY APPROVED 7-0**
- (2) **8 PARKING-STALL WAIVER FOR RESTAURANT USE UP TO 110 SEATS APPROVED 7-0**

**REFERRED TO ZONING & PLANNING COMMITTEE**

Monday, October 22, 2012

Present: Ald. Johnson (Chairman), Lennon, Baker, Kalis, Danberg, Yates, Sangiolo and Swiston  
 Also Present: Ald. Hess-Mahan, Crossley, Linsky, Blazar and Ciccone

#81-11 ALDERMEN JOHNSON, CROSSLEY, HESS-MAHAN, LAPPIN & DANBERG requesting the Director of Planning & Development and the Chair of the Zoning Reform Scoping Group provide updates on the Scoping Group's Progress. These updates will occur at the frequency determined by the Chair of the Scoping Group and the Chair of the Zoning and Planning Committee.

[3/14/2011 @ 11:16PM]

**NO ACTION NECESSARY 7-0 (Ald. Swiston not voting)**

- #11-12      ALD. HESS-MAHAN & LINSKY requesting discussion on the implementation and enforcement of the provisions of Section 30-5(c)(1) of the Newton Ordinances which requires that “[w]henver the existing contours of the land are altered, the land shall be left in a usable condition, graded in a manner to prevent the erosion of soil and the alteration of the runoff of surface water to or from abutting properties.” [1/11/12 1:01PM]  
**HELD 8-0**
- #214-12      ALD. DANBERG, BLAZAR, SCHWARTZ proposing an ordinance which would enable the city to respond to properties which are so inadequately cared for, often by absentee owners, as to constitute a nuisance, not only to properties nearby but also to the public at large, with the understanding that timely intervention may help prevent the loss of such properties to severe neglect, excess accumulation of trash or unsightly collectables, inside or out, or even eventual abandonment. [07-09-12]  
**HELD 8-0**
- #61-10      ALD. CICCONE, SWISTON, LINSKY, CROSSLEY AND HESS-MAHAN requesting a discussion relative to various solutions for bringing existing accessory and other apartments that may not meet the legal provisions and requirements of Chapter 30 into compliance. [02/23/10 @ 2:48 PM]  
**HELD 8-0**
- #49-11      ALD. JOHNSON, Chair of Zoning and Planning Committee, on behalf of the Zoning and Planning Committee requesting that the Director of Planning & Development and Commissioner of Inspectional Services review with the Zoning & Planning Committee the FAR data collected during the eight months prior to the new FAR going into effect and the 12 months after. This committee review should occur no less than bi-monthly but could occur as frequently as monthly, based on the permits coming into the departments. [02-15-2011 @8:44AM]  
**HELD 8-0**
- #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 8-0**

**REFERRED TO PROGRAMS & SERVICES COMMITTEE**

Monday, October 17, 2012

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

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]

**APPROVED 8-0**

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]

**APPROVED 8-0**

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 8-0**

#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]

**REFERRED TO ZONING AND PLANNING COMMITTEE 8-0**

**REFERRED TO PROG & SERV, PUB. FAC., ZAP, AND FINANCE COMMITTEES**

#256-12 ALD. HESS-MAHAN, SANGIOLO & SWISTON proposing and ordinance promoting economic development and the mobile food truck industry in the City of Newton. [08/06/12 @4:46 PM]

**HELD 8-0**

**REFERRED TO PROGRAMS & SERV. AND PUBLIC FACILITIES COMMITTEES**

#315-12 ALD. FULLER, RICE AND GENTILE of the Angier School Building Committee providing updates and discussion on the Angier School Building project as it develops through the site plan approval process. [10-02-12 @ 3:37PM]

**HELD 5-0 (Baker and Merrill absent; Linsky not voting)**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

Wednesday, October 17, 2012

Present: Ald. Ciccone (Chair), Swiston, Yates, Fuller, Schwartz, Harney and Kalis, absent: Ald. Johnson

#269-12 ALD. JOHNSON, requesting a discussion re plans for proposed bike lanes within Newton.

**NO ACTION NECESSARY 5-0 (Fuller and Schwartz not voting)**

#297-12 DAVID KOSES, Traffic Council Chair, requesting review and discussion of Traffic Council Policy #2, requests for Residential Handicap Parking Spaces.

**NO ACTION NECESSARY 5-0 (Fuller and Schwartz not voting)**

#298-12 DAVID KOSES, Traffic Council Chair, requesting review and discussion of Traffic Council Policy #3, Prioritization of On-Street Parking and Bicycle lanes.

**NO ACTION NECESSARY 5-0 (Fuller and Schwartz not voting)**

#296-12 DAVID KOSES, Traffic Council Chair, requesting review and discussion of Traffic Council Policy #1, On-Street Parking Guidance. [09/24/12 @ 10:53 AM]

**NO ACTION NECESSARY 6-0 (Fuller not voting)**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Wednesday, October 17, 2012

Present: Ald. Salvucci (Chairman), Lennon, Albright, Gentile, Crossley, Danberg, and Laredo; absent: Ald. Lappin; also present: Ald. Blazar, Fischman, Fuller, Hess-Mahan, Linsky, Rice, Sangiolo, and Schwartz

#312-12 COMCAST petitioning for a grant of location to install 72' ± of 3" conduit in CHAPEL STREET from Pole #78/8 proceeding 41' in a northerly direction thence turning westerly for an additional 31' to 55 Chapel Street. 09/27/12 @ 3:18 PM]

**APPROVED 6-0 (Gentile not voting)**

#313-12 NATIONAL GRID petitioning for a grant of location to install and maintain 124' ± of 4" gas main in BOUND BROOK ROAD from the existing 4" gas main at 83 Bound Brook Road to 98 Bound Brook Road for a new gas service. (Ward 8) 10/02/12 @ 2:16 PM)

**APPROVED 6-0-1 WITH A CONDITION (Gentile abstaining)**

#301-12 DESIGN REVIEW COMMITTEE in accordance with §5-58 of the City of Newton Ordinances petitioning for site plan approval for the Carr School Renovation Project. [09/24/12 @ 9:20 AM]

**HELD 7-0 – SEE PAGE 227**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #321-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of six hundred ninety-five thousand five hundred fifty-eight dollars (\$695,558) from bonded indebtedness for the purpose of completing design services through the construction administration phase of the Carr School Building renovation project. [10/09/12 @ 2:37 PM]  
**FINANCE APPROVED 5-0-2 (Blazar, Fuller abstaining; Linsky not voting) on 10/22/12**  
**APPROVED 7-0**

**REFERRED TO PROGRAMS & SERV. AND PUBLIC FACILITIES COMMITTEES**

- #315-12 ALD. FULLER, RICE AND GENTILE of the Angier School Building Committee providing updates and discussion on the Angier School Building project as it develops through the site plan approval process. [10-02-12 @ 3:37PM]  
**PROG & SERV HELD 5-0 (Linsky and Merrill not voting) on 10/17/12**  
**HELD 7-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #320-12 ALD. SALVUCCI AND GENTILE requesting a discussion with the Engineering Division of the Public Works Department regarding the billing and collecting of street opening permit fees. [09/28/12 @ 10:28 AM]  
**HELD 7-0**

**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]  
**FINANCE APPROVED 6-0 (Blazar, Linsky not voting) on 10/22/12**  
**APPROVED 6-0-1 (Crossley abstaining)**

- #99-12 ALD. LAREDO, ALBRIGHT, CROSSLEY & KALIS requesting a discussion with His Honor the Mayor regarding the creation of a long-range master plan (20-25 years) regarding the means, methods, timing, and coordination to address the City's complete infrastructure needs, including but not limited to school buildings, fire stations, other municipal buildings, streets, sidewalks, trees, playgrounds and other recreational facilities, water, stormwater, and sewer systems, and all other facilities and infrastructure identified in the city's recent capital assessment. The master plan should be comprised of specific plans from individual departments and at a minimum, the master plan should (a) identify those infrastructure needs and (b) present a phased plan, with identifiable funding sources for meeting those needs. [04-04-12 @ 10:30 PM]  
**HELD 7-0**

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

Tuesday, October 30, 2012

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

- #301-12 **DESIGN REVIEW COMMITTEE** in accordance with §5-58 of the City of Newton Ordinances petitioning for site plan approval for the Carr School Renovation Project. [09/24/12 @ 9:20 AM]  
**APPROVED 8-0**

**REFERRED TO FINANCE COMMITTEE**

Monday, October 22, 2012

Present: Ald. Gentile (Chairman), Ciccone, Linsky, Salvucci, Rice, Blazar, Fuller and Lappin  
Also present: Ald. Hess-Mahan

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #319-12 **ALD. FULLER, LAPPIN AND SALVUCCI** requesting a discussion of the benefits and drawbacks of using a Construction Manager at Risk and the most effective ways of managing construction and controlling costs.  
**PUBLIC FACILITIES TO MEET**  
**NO ACTION NECESSARY 7-0 (Linsky not voting)**

- #318-12 **HIS HONOR THE MAYOR** requesting authorization to expend seventy thousand dollars (\$70,000), which represents the first year of a five-year, \$350,000 reimbursement grant from the United States Food and Drug Administration for the purpose of strengthening, standardizing, and documenting food safety inspection and community outreach activities of the Health and Human Services Department. [10/09/12]  
**APPROVED 8-0**

- #304-12 **HIS HONOR THE MAYOR** requesting authorization to expend up to fifty thousand dollars (\$50,000) in gifts for the purpose of furthering the ideals of the Commission on Disabilities. [09/24/12 @ 5:48 PM]  
**APPROVED 8-0**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #321-12 **HIS HONOR THE MAYOR** requesting authorization to appropriate the sum of six hundred ninety-five thousand five hundred fifty-eight dollars (\$695,558) from bonded indebtedness for the purpose of completing design services through the construction administration phase of the Carr School Building renovation project. [10/09/12 @ 2:37 PM]  
**PUBLIC FACILITIES APPROVED 7-0 on 10/17/12**  
**APPROVED 5-0-2 (Blazar, Fuller abstaining; Linsky not voting)**



**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]

**PUBLIC FACILITIES APPROVED 6-0-1 (Crossley abstaining) on 10/17/12  
APPROVED 6-0 (Blazar, Linsky not voting)**

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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.