

REPORTS DOCKET

Nov. 7: Programs&Services, Public Safety&Transportation; Public Facilities Continued
Nov. 8: Land Use Page 237
Nov. 13: Land Use Monday, November 5, 2012
Nov. 14: Finance 7:45 PM, Newton City Hall

To be reported on

MONDAY, NOVEMBER 19, 2012

CITY OF NEWTON

IN BOARD OF ALDERMEN

REFERRED TO LAND USE COMMITTEE

Thursday, November 8, 2012

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

#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 four dwellings; to 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, to allow parking within the required 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.

HELD 7-0

#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~~ 904 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.

APPROVED 7-0

REFERRED TO LAND USE COMMITTEE

Tuesday, November 13, 2012

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

Public Hearings were held on the following items:

The public hearing on the following item was opened and continued on September 11, 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.

HEARING CLOSED

#164-06(4) WHOLE FOODS MARKET GROUP, INC. petition to AMEND the site plan approved in SPECIAL /SITE PLAN APPROVAL and EXTENSION of a NONCONFORMING STRUCTURE #164-06(3) granted on April 4, 2007 in order to remove five parking stalls and to construct an addition to an existing nonconforming structure at 916 WALNUT STREET, Ward 6, on land known as SBL 62, 4, 12, containing approximately 37,870 sf of land in a district zoned BUSINESS 1.

HEARING CLOSED

#305-12 STEPHEN GUILLETTE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE by replacing an existing rear deck with a mudroom addition and to locate two dimensionally non-compliant 9'x18' parking stalls in the front setback and closer than five feet at 29 BREWSTER Road, Ward 5, Newton Highlands, on land known as SBL 54, 10, 13, containing approx. 5,176 sq. ft. of land in a district zoned SINGLE RESIDENCE 2.

HEARING CLOSED

#306-12 EVELYN P. GREENSPAN TRUST, PAUL I. FEINBERG, TRUSTEE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive the dimensional requirements, lighting, curbing, surface and maintenance requirements for an existing nonconforming 18-stall parking facility or alternatively to waive the required five additional parking stalls required for a change of use at 35-41 LINCOLN STREET, Ward 5, Newton Highlands, on land known as SBL 52, 8, 18, containing approx. 15,000 sq. ft. of land in a district zoned BUSINESS 1.

HEARING CLOSED (Laredo recused)

#307-12 WMACH, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NONCONFORMING USE to add over a three-year period three restaurants with more than 50 seats; to waive 300 parking spaces and one loading dock; erect three additional signs all in excess of 100 sq. ft. for the restaurants facing Boylston Street and a fourth sign over the entrance of the Mall; pop out the Boylston Street façade 5,726 sq. ft. within the existing footprint; add 2,223 sq. ft. of outside restaurant patio seating; relocate the ring road in front of the mall to accommodate the pop-outs and outdoor seating; and make physical improvements to the Boylston Street façade and the Boylston Street parking lot at 199 BOYLSTON STREET, Ward 7, Chestnut Hill, on land known as SBL 65, 8, 1, containing approximately 324,691 sq. ft. of land in a district zoned BUSINESS 1.

HEARING CLOSED

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Wednesday, November 7, 2012

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

Absent: Baker; Also Present: Danberg, Crossley and Fuller

Re-appointment by His Honor the Mayor

#285-12 PETER JOHNSON, 121 Fairway Drive, West Newton, re-appointed as a member of the PARKS & RECREATION COMMISSION for a term to expire 9/11/2015.

HELD 5-0 (Merrill, Fishman not voting)

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.

FINANCE APPROVED AS AMENDED 6-0 on 11/14/12

APPROVED AS AMENDED 5-0 WITH ADDITIONAL \$200,000 FROM FREE CASH (Blazar, Fishman not voting)

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 5-0 (Blazar, Rice not voting)

- #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]
HELD 4-0 (Fischman, Blazar, Rice not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, November 7, 2012

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

- #338-12 DOROTHY W. DUNDAS, 15 Moreland Avenue, Newton Centre, MA 02459 requesting renewal of **one (1) public auto license** for Crystal Lake Express.
APPROVED 5-0 (Yates, Kalis not voting)
- #339-12 JERRY ROBBINS, 253 Riverview Avenue, Newton, MA 02466, requesting renewal of **four (4) public auto licenses** for Weldon Group Inc.
APPROVED 5-0 (Yates, Kalis not voting)
- #340-12 AHCENE TOURI, 31 Irving Street, #A-8, Watertown, MA 02472, requesting renewal of **one (1) taxi license** for Newton Metro Cab.
APPROVED 5-0 (Yates, Kalis not voting)
- #341-12 MOHAMED SAIDI, 77 Cedar Street, Boston, MA 02119, requesting renewal of **one (1) taxi license** for Newton Luxury Cab.
APPROVED 5-0 (Yates, Kalis not voting)
- #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
APPROVED 5-0 (Yates, Kalis not voting)
- #344-12 GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **two (2) taxi licenses** for Newtonville Cab Co. Inc.
APPROVED 5-0 (Yates, Kalis not voting)
- #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.
APPROVED 5-0 (Yates, Kalis not voting)

- #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.
APPROVED 5-0 (Yates, Kalis not voting)
- #348-12 ANIS LAHIANI, 4 Cedar Street, Suite 405, Wellesley, MA 02481, requesting renewal of **one (1) taxi license** for Newton Town Taxi.
APPROVED 5-0 (Yates, Kalis not voting)
- #349-12 HAMDI TLILI, 12 Appleton Street, Waltham, MA 02453, requesting renewal of **one (1) public auto license** for Newton Car Service.
APPROVED 5-0 (Yates, Kalis not voting)
- #350-12 DONALD LaPLANTE, 395 Lexington Street, Auburndale, MA 02466, requesting renewal of **(one) public auto license** for Don's Car Service.
APPROVED 5-0 (Yates, Kalis not voting)
- #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.
APPROVED 5-0 (Yates, Kalis not voting)
- #352-12 ZAKARIA ATROUSSE, 9 Hazelwood Street, Malden, MA 02148, requesting renewal of **one (1) public auto license** for Boston City Limousine.
APPROVED 5-0 (Yates, Kalis not voting)
- #353-12 MEDHI HAOULANI, 72 Beaver Street, Waltham, MA 02453, requesting renewal of **three (3) taxi licenses** for NEWTON CAB.
APPROVED 5-0 (Yates, Kalis not voting)
- #354-12 ROBERT KEEFE, 266 Nevada Street, Newton 02460, requesting renewal of **one (1) public auto license** for Charter Rides, Inc.
APPROVED 5-0 (Yates, Kalis not voting)
- #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.
APPROVED 5-0 (Yates, Kalis not voting)
- #345-12 GEORGE MARRY, 50 Union Street, Newton Centre, MA 02459 requesting renewal of **three (3) taxi licenses** for Newton Taxi Co.
APPROVED 5-0 (Yates, Kalis not voting)
- #195-12 ALD. BLAZAR filing on behalf of Deborah & Marc Fogel, Michael Hamilton, and Deborah Lewis an appeal from TC50-11, which was approved 3-2 (Babcock, Ciccone opposed) by Traffic Council on May 31, 2012 to prohibit parking between the driveway at 51 Lake Avenue and south to the curve at Cronin's Cove, Crystal Lake. (Appeal filed 06/18/12).
APPEAL DENIED 5-0 (Fuller, Yates not voting)

- #311-12 ALD. CICCONE filing on 09/28/12 an appeal from TC5-12, which requested parking restrictions in the area of the blind curve on Winchester Street (Ward 8), approved by Traffic Council on September 27, 2012.
APPEAL APPROVED AS AMENDED 4-0-1 (Fuller abstaining; Schwartz, Yates not voting)
- #337-12 ALD. LINSKY, CICCONE, ALBRIGHT & JOHNSON, requesting authorization for the installation of a bicycle corral adjacent to 321 Walnut Street, Newtonville.
HELD 6-0 (Kalis not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, November 7, 2012

Present: Ald. Salvucci (Chairman), Albright, Gentile, Crossley, Danberg, Laredo and Lappin
absent: Ald. Lennon; also present: Ald. Fischman, Fuller, Kalis, Merrill, Rice and Yates

- #314-12 HIS HONOR THE MAYOR requesting a water main be extended through a proposed easement from an existing water main in the public way portion of Boulder Road a distance of approximately 300' across the private way portion of BOULDER ROAD to an existing water main in DEDHAM STREET.
APPROVED 7-0
- #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)
APPROVED 7-0
- #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 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)
HELD 6-0 (Danberg not voting)

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.

**PROGRAMS & SERVICES TO MEET
APPROVED 7-0**

- #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 6-0 (Gentile not voting)

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. [10/02/12 @ 10:57 AM]
**FINANCE VOTED NO ACTION NECESSARY 7-0 on 10/22/12
NO ACTION NECESSARY 6-0-1 (Danberg not voting)**

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 6-0 (Danberg not voting)

REFERRED TO FINANCE COMMITTEE

Wednesday, November 14, 2012

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

- #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]
APPROVED 6-0
- #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]
APPROVED 6-0

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]
PROG & SERV APPROVED AS AMENDED 5-0 INCREASE OF 200K FROM FREE CASH
APPROVED AS AMENDED 6-0 INCREASE OF 200K FROM FREE CASH

- #303-12 HIS HONOR THE MAYOR requesting authorization to expend a State Brownfields Program Reimbursable Grant in the amount of twenty-two thousand one hundred fifty eight dollars (\$22,158) and authorization to transfer the sum of twenty-two thousand one hundred fifty-eight dollars (\$22,158) from Budget Reserve for the purpose of purchasing environmental insurance to support the creation of a multi-purpose recreational pathway through a 99-year lease between the City and the Massachusetts Bay Transportation Authority (MBTA) for an unused MBTA Right of Way parallel to Needham Street. [09/24/12 @ 5:00 PM]
APPROVED AS AMENDED 5-0-1 (Blazar abstaining) @ \$40,409.82 from FREE CASH

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]
PUBLIC FACILITIES HELD on 10/17/12
NO ACTION NECESSARY 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.