

REPORTS DOCKET

Nov. 26: Zoning & Planning

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Monday, November 19, 2012

7:45 PM, Newton City Hall

To be reported on

MONDAY, DECEMBER 3, 2012

CITY OF NEWTON

IN BOARD OF ALDERMEN

UNFINISHED BOARD BUSINESS

Item Postponed on November 5, 2012 to Date Certain of December 3, 2012:

#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.

LAND USE APPROVED 7-0 on November 8, 2012

REFERRED TO LAND USE COMMITTEE

Tuesday, November 27, 2012

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

A Public Hearing was opened on the following petition:

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.

HEARING CONTINUED TO DECEMBER 18, 2012

The Public Hearing, opened on October 9, 2012, was continued on the following petition:

#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 DECEMBER 18, 2012

The Public Hearing, opened on October 9, 2012, was continued on the following petition:

#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 DECEMBER 18, 2012

The Public Hearing, opened on October 16, 2012, was continued on the following petition:

#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 DECEMBER 18, 2012

The Public Hearing, opened on October 16, 2012, was continued on the following petition:

#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 DECEMBER 18, 2012

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, November 26, 2012

Present: Ald. Johnson (Chairman), Baker, Danberg, Sangiolo, Kalis, Swiston and Yates; absent: Ald. Lennon; also Present: Ald. Merrill and Hess-Mahan

Appointment by His Honor the Mayor

#309-12 JESSICA ALPERT, 14 Fuller Avenue, West Newton, appointed as a member of the URBAN DESIGN COMMISSION for a term to expire September 17, 2015 (60 days 12/14/12). [10-03-12 @12:17 PM]

APPROVED 7-0

Appointment by His Honor the Mayor

#389-12 ROGER WYNER, 16 Pettee Street, Newton Upper Falls, appointed as a member of PLANNING & DEVELOPMENT BOARD for a term of office to expire October 18, 2017 (60 days 01/18/13). [11-01-12@4:28PM]

APPROVED 7-0

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]

APPROVED 7-0

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]

APPROVED 7-0

Appointment by His Honor the Mayor

#390-12 CHARLES RUDNICK, 41 Lombard Street, Newton, appointed as a member of the ECONOMIC DEVELOPMENT COMMISSION for a term to expire October 18, 2015 (60 days 01-18-13). [10-25-12 @4:14 PM]

APPROVED 7-0

#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. [02-15-11 @8:44AM]

NO ACTION NECESSARY 5-0-2 (Johnson and Sangiolo opposed)

#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]

APPROVED 6-0 (Sangiolo not voting)

REFERRED TO PROGRAMS & SERVICES COMMITTEE

Thursday, November 29, 2012

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

Absent: Merrill

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.

FINANCE APPROVED 8-0

PROGRAMS & SERVICES APPROVED 5-0-2(Ald. Baker & Hess-Mahan abstaining)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, November 28, 2012

Present: Ald. Salvucci (Chairman), Lennon, Albright, Gentile, Crossley, Danberg, Laredo and Lappin; also present: Ald. Ciccone and Merrill

#393-12 **LIGHTOWER FIBER NETWORKS** petitioning for a grant of location to install 135' ± of 4" conduit in WELLS AVENUE from Verizon Manhole 47/322A to 60 Wells Avenue to provide fiber optic service. (Ward 8) [11/02/12 @ 9:48 AM]
APPROVED 6-0 (Lappin, Lennon not voting)

#394-12 DESIGN REVIEW COMMITTEE in accordance with §5-58 of the City of Newton Ordinances petitioning for schematic design and site plan approval for the proposed new Fire Station 10 (755 Dedham Street) with the inclusion of a possible Wires Division building on the site of the existing Fire Station 10. [11/06/12 @ 8:57 AM]

HEARING CONTINUED

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#311-10(A) HIS HONOR THE MAYOR requesting an appropriation in the amount of three million three hundred thirty-five thousand dollars (\$3,035,000) from bonded indebtedness for the purpose of funding the FY 2011 Capital Improvement Plan projects as follows: [11/29/ 10 @ 3:23 PM]

Architectural Design and Engineering/Next Scheduled Fire Station \$400,000
A-2 - HELD 6-0 \$270,000 for final design bidding and construction admin on 12/08/10

HELD 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#401-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred twenty-one thousand sixty-three dollars (\$121,063) from the Storm Water Management Fund Surplus for the sediment removal and maintenance of the City Hall ponds. [11/13/12 @ 5:12 PM]

FINANCE on 11/29/12

APPROVED 7-0 (Lennon not voting)

REFERRED TO FINANCE COMMITTEE

Thursday, November 29, 2012

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

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#401-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred twenty-one thousand sixty-three dollars (\$121,063) from the Storm Water Management Fund Surplus for the sediment removal and maintenance of the City Hall ponds. [11/13/12 @ 5:12 PM]

PUBLIC FACILITIES APPROVED 7-0 (Lennon not voting) on 11/28/12

APPROVED 6-0-2 (Ald. Fuller and Linsky abstaining)

REFERRED TO FINANCE COMMITTEE

#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 property 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.

APPROVED 8-0

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#324-12

HIS HONOR THE MAYOR requesting the following:

- (4) 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 _____

(5) 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.

(6) 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.

PROGRAMS & SERVICES APPROVED 5-0-2(Ald. Baker & Hess-Mahan abstaining)

APPROVED 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