

DOCKET

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Continued
June 6, 2011
Newton City Hall
To be reported on
Monday, June 20, 2011

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

#7-11(2) AGREEMENT to an EXTENSION of TIME in which to ACT on CHARLES RIVER COUNTRY CLUB, INC. petition #7-11 for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND A NON CONFORMING USE to create a short game practice area for its members and guests at 483 DEDHAM STREET, Ward 8; said EXTENSION will run from June 13, 2011 to August 2, 2011.

#80-11(2) AGREEMENT to an EXTENSION of TIME in which to ACT on ERROL R. NORWITZ petition #80-11 for a SPECIAL PERMIT/SITE PLAN APPROVAL for an addition and a raised rear deck, increasing the non-conforming Floor Area Ratio from .4196 to .468, at 68 DAY STREET, Auburndale; said EXTENSION will run from July 11, 2011 to August 10, 2011.

Public Hearings to be assigned for June 21, 2011:

#161-11 W/S DEVELOPMENT ASSOCIATES LLC petition for a CHANGE of ZONE from BUSINESS 1 to BUSINESS 4 for land shown as a cross-hatched area on a plan entitled "Plan of Zoning Change Chestnut Hill Shopping Center, Newton Mass.", by Feldman Land Surveyors, dated May 23, 2011 and known as Sec 63, Blk 37, Lots 18A, 22, 25, 26, and 27, containing ≈20 acres of land at 1-55 BOYLSTON STREET, Ward 7, Chestnut Hill.

- #161-11(2) W/S DEVELOPMENT ASSOCIATES LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND a NONCONFORMING USE/STRUCTURE to replace an existing 1-story retail portion of a building at 33 BOYLSTON STREET, Ward 7, Chestnut Hill, with a 3-story building and related site improvements including sidewalks, landscaping and parking; allowance for restaurants greater than 50 seats; parking and coordinated improvements to the Frontage Road/Carriage Way contiguous to the site for sidewalk, crosswalk, parking, lighting, access, and landscaping improvements, on land known as Sec 63, Blk 37, Lots 18A, 22, 25, 26, and 27, containing ≈20 acres of land in proposed BUSINESS 4 district. Ref: 30-11(c), 30-11(d)(9), 30-11(d)(12), 30-11(j), 30-11(k); 30-15 Table 3; 30-19(c)(2), 30-19(c)(3), 30-19(d)(18), 30-19(f), 30-19(h), 30-19(i), 30-19(j), 30-19(l), 30-19(m); 30-20(f), 30-20(l); 30-21(a)(2), 30-21(b); 30-23, 30-24, of the City of Newton Rev Zoning Ord, 2007.
- #161-11(3) CHESTHILL SHOPPING CENTER LLC petition for a CHANGE of ZONE from PUBLIC USE to BUSINESS 4 for land containing ≈1.72 acres of land, located in Ward 7 in Chestnut Hill, shown as Parcels A and B on a plan entitled “Zoning Change Chestnut Hill Shopping Center, Newton, Mass” by Feldman Land Surveyors, dated May 23, 2011.
- #161-11(4) CHESTHILL SHOPPING CENTER LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for improvements to sidewalks and to Frontage Road/Carriage Way landscaping, parking layout, lighting and access for the Frontage Road/Carriage Way, a portion of Boylston Street along the frontage of the Chestnut Hill Shopping Center, on land shown as Parcels A and B on “Plan of Zoning Change Chestnut Hill Shopping Center, Newton, Mass.” by Feldman Land Surveyors dated May 23, 2011 in a proposed BUSINESS 4 district. Ref: Sec 30-19(m), 30-23, and 30-24 of the City of Newton Rev Zoning Ord, 2007.

REFERRED TO ZONING AND PLANNING COMMITTEE

- #162-11 ALD. YATES requesting a report from the Director of Planning and Development on the status of the update of the *Open Space and Recreation Plan*, particularly as it pertains to the Charles River Pathway. [05/12/11 @ 10:16AM]

Appointment by His Honor the Mayor:

- #163-11 BARBARA HUGGINS of 122 Albemarle Road, Newtonville, appointed as an alternate member of the Conservation Commission for a term of office to expire on May 31, 2014 (60 days 08-05-11). [05/23/11 @ 3:47 PM]

Appointment by His Honor the Mayor:

#164-11 ROBERT UNSWORTH, 34 Bradford Road, Newton Highlands, appointed as an alternate member of the Conservation Commission for a term of office to expire May 31, 2014 (60 days 08-05-11) [05/23-11. @ 3:47PM]

Appointment by His Honor the Mayor:

#165-11 RICHARD GALLOGLY, 114 Windermere Road, Auburndale, appointed as an alternate member of the Conservation Commission for a term of office to expire on May 31, 2014 (60 days 08-05-11). [05/23/11 @ 3:48PM]

OTHER COMMUNICATIONS

#159-10 COMMONWEALTH OF MASSACHUSETTS LAND COURT remanding to the Zoning Board of Appeals decision #8-10, dated 06-29-10, which denied Ralph Robart a building permit to construct a two-family dwelling at 32 Williams Street, Newton Upper Falls.

Petition to the Zoning Board of Appeals

#166-11 RICHARD D. SEWALL petitioning for a variance from the 80' frontage requirement to subdivide an existing 20,082 square-foot lot into two lots, each lot containing the requisite 10,000 square feet, at 87-89 Waban Street, Newton Corner.

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Appointment by His Honor the Mayor:

#167-11 JOHN MCDERMOTT, 7A Washburn Street, Newton Corner, appointed to the Election Commission for a term of office to expire March 31, 2015 (60 days 08-05-11 [05/23/11 @ 3:47PM].

Re-appointment by His Honor the Mayor:

#168-11 RICHARD LIPOF, 105 Baldpate Hill Road, Newton Center, re-appointed to the Election Commission for a term of office to expire on March 31, 2015. [05/23/11 @ 3:49PM]

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

#169-11 POLICE DEPARTMENT submitting reports of semi-annual taxi license/public auto inspections for review. [05/13/11 @ 10:55 AM]

#170-11 BOSTON COACH TRANSPORTATION request for annual renewal of the Boston College Bus Licenses. There are no changes proposed to last year's licenses. [05/16/11 @ 11:06 AM]

REFERRED TO PUBLIC FACILITIES COMMITTEE

Public Hearing to be assigned for June 22, 2011

- #171-11 NATIONAL GRID petitioning for a grant of location to install and maintain 70' ± of 6" gas main in CYNTHIA ROAD from the existing 6" gas main at 49 Cynthia Road southerly to 51 Cynthia Road. (Ward 8) [05/24/11 @12:01]

The following item was filed after the close of the docket and requires a suspension of the Rules to be referred to Committee:

Public Hearing to be assigned for June 22, 2011

- #367-10(2) DESIGN REVIEW COMMITTEE in accordance with §5-58 of the City of Newton Ordinances petitioning for site plan approval for the installation of two (2) modular classrooms with associated connectors at Zervas Elementary School, one (1) modular classroom with associated connectors at Burr Elementary School and one (1) modular classroom with associated connectors at Horace Mann Elementary School. [06/02/11 @ 5:16 PM]

- #172-11 ALD. CROSSLEY, FULLER AND SCHNIPPER requesting discussion with the Utilities Division of the Public Works Department regarding the identification of storm water inflow connections to the sewer system, so as to begin the process of systematically eliminating such illegal connections, including notifications to property owners, educational materials, requirements for corrective actions and technical and financial assistance that may be available from the City in order to facilitate removal of inflow connections. [05/26/11 @3:33 PM]

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #311-10(B) HIS HONOR THE MAYOR requesting an appropriation in the amount of three hundred thousand dollars (\$300,000) from bonded indebtedness for the purpose of funding the Manet Road Emergency Communications Radio Tower Replacement, which is included in the FY 2011 Capital Improvement Plan. [11/29/10 @ 3:23 PM]

Due to a change in the scope of work in the above item, which now includes a public building, the item should be referred to the Public Facilities Committee.

- #173-11 ALD. DANBERG AND BLAZAR requesting a raised crosswalk on Cypress Street in the vicinity of 280 Cypress Street, in association with modifications to the Bowen Elementary School entrance, as approved on May 26, 2011 in Traffic Council (TC20-11), and to be paid for through MassDOT's Safe Routes to School Infrastructure Program. [05-27-11 @ 10:53 AM]

- #174-11 ALD. DANBERG AND BLAZAR requesting a raised device on Cypress Street near Bow Road recommended by the Traffic Engineer and approved by the Traffic Council (TC22-11) on May 26, 2011. [05-27-11 @ 10:53 AM]

#399-09(3) HIS HONOR THE MAYOR requesting that Board Order #399-09(2) be amended to include sewer extensions and sewer construction projects on Woodland Road, Old Farm Road and other applicable sewer projects. [05-31-11 @2:16 PM]

REFERRED TO FINANCE COMMITTEE

#175-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of eight thousand dollars (\$8,000) from FY11 Free Cash for the purpose of settling a claim against the City of Newton under the Federal Fair Labor Standards Act (FLSA). [05-31-11 @ 2:26 PM]

#176-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of twenty thousand dollars (\$20,000) from FY11 Free Cash to settle claims for reimbursement for damages incurred during snow plowing operations this past winter. [05-31-11 @ 2:26 PM]

#177-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of ten thousand dollars (\$10,000) from FY11 Free Cash to various departmental payroll accounts to fund the contract signing bonus payments, which are part of the collective bargaining agreement for FY10 and FY11 reached with the American Federation of State, County and Municipal Employees (AFSME), City Hall Associates, Local 3092. [05-31-11 @2:17 PM]

#178-11 HIS HONOR THE MAYOR requesting a transfer from departmental payroll and health benefit accounts to various departments in order to fund the cost items set forth in the labor contract agreement with the American Federation of State, County and Municipal Employees (AFSME), City Hall Associates, Local 3092 for FY12 through FY14. [05-31-11 @2:17 PM]

#179-11 HIS HONOR THE MAYOR requesting authorization to transfer the sum of ten dollars (\$10) from the Veterans Services/Sealer of Weights and Measures Dues and Subscriptions Account to the Veterans Services/Sealer of Weights and Measures Stipends Account to correct a small payroll deficiency in the FY11 Budget. [05-31-11 @2:16 PM]

#180-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of twenty-four thousand eight hundred fifty-two dollars (\$24,852) from the Capital Stabilization account for the purpose of paying issuance costs related to the sale of bonds in April 2011. [05-31-11 @2:16 PM]

#181-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of twenty thousand dollars (\$20,000) from FY11 Free Cash to fund payment of the July 2010 Newton North High School electric bill. [05-31-11 @2:16 PM]

- #182-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of fifteen thousand dollars (\$15,000) from the Commonwealth Golf Course Mayor's Golf Day Receipts Reserved for Appropriation for the purpose of funding scholarships for youth attending Parks and Recreation camp programs. [05-31-11 @2:16 PM]
- #183-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of five thousand dollars (\$5,000) from the Commonwealth Golf Course Mayor's Golf Day Receipts Reserved for Appropriation for the purpose of funding the City's Fourth of July festivities. [05-31-11 @2:16 PM]
- #184-11 HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty thousand four hundred sixty-two dollars (\$20,462) from the Human Resources Severance Account to Law Department Salaries Account and Planning Department Salaries Account. [05-31-11 @ 2:17 PM]
- #185-11 HIS HONOR THE MAYOR requesting that the Board of Aldermen accept and authorize the expenditure of fifteen thousand dollars (\$15,000) from the Massachusetts Historical Commission as part of a 50% match of a reimbursable grant to fund the creation of an updated design guidelines booklet for historic buildings and districts. [05-31-11 @ 2:17 PM]
- #186-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of twenty thousand dollars (\$20,000) from the Receipts Reserved for Appropriation – Verizon CATV Franchise Fee for outside counsel fees incurred for cable related matters. [05-31-11 @ 2:17 PM]

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

- #187-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of sixty thousand dollars (\$60,000) from FY11 Free Cash for gasoline expenditures incurred by the Police Department. [05-31-11 @2:16 PM]

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

- #188-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of one hundred seventy-five thousand dollars (\$175,000) from FY11 Free Cash for overtime expenditures incurred by the Police Department. [05-31-11 @2:16 PM]

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

- #189-11 HIS HONOR THE MAYOR requesting an appropriation in the amount of twenty-five thousand dollars (\$25,000) from FY11 Free Cash for heating oil costs incurred by the Fire Department. [05-31-11 @2:16 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #190-11 HIS HONOR THE MAYOR requesting authorization to enter into an Inter-Municipal Agreement with the Town of Needham detailing Needham's obligation to fund half of the construction contract costs associated with structural repairs to the jointly owned Nahanton Street–Kendrick Street Bridge. [05-31-11 @2:16 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #89-09(2) HIS HONOR THE MAYOR requesting Board Order #89-09 be amended by rescinding a balance of six hundred fifty thousand dollars (\$650,000) that remains authorized but unissued debt for bond authorization, which was to be used to purchase additional trash and recycling. [05-31-11 @2:16 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #367-10(A)(2) HIS HONOR THE MAYOR requesting that Board Order #367-10(A) be amended by rescinding the seventy five thousand dollar (\$75,000) bond authorization and appropriating seventy five thousand dollar (\$75,000) from FY11 Free Cash for the purpose of funding the site plan design work for modular classrooms. [05-31-11 @2:16 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #311-10(A1)(2) HIS HONOR THE MAYOR requesting that Board Order #311-10(A1) be amended by rescinding the one hundred thirty thousand dollar (\$130,000) bond authorization and appropriating one hundred twenty-five thousand forty-six dollars (\$125,046) from the Capital Stabilization Fund designated for Fire Station Renovations and four thousand nine hundred fifty-four dollars (\$4,954) from FY11 Free Cash for the purpose of funding architectural programming, schematic design, site and building testing for Station #3 (Willow Street) and Station #10 (Dedham Street). [05-31-11 @2:16 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #191-11 HIS HONOR THE MAYOR requesting an appropriation in the amount two million two hundred seventy-seven thousand dollars (\$2,277,000) from bonded indebtedness for the purpose of funding sewer capital projects. [05-31-11 2:17 PM]

REFERRED TO COMMITTEE ON COMMUNITY PRESERVATION**REFERRED TO COMM. ON COMMUNITY PRES AND FINANCE COMMITTEES**

- #192-11 COMMUNITY PRESERVATION COMMITTEE recommending that \$4,000 be appropriated from the open space reserves of the Community Preservation Fund to the control of the Planning and Development Department, for consulting services to speed completion of Newton's next 5-year *Open Space and Recreation Plan*, as detailed in the CPC's funding recommendation to the Board of Aldermen.[05-26-11 @ 11:39AM]
- #193-11 COMMUNITY PRESERVATION COMMITTEE, in conjunction with the Aldermanic Committee on Community Preservation, requesting a discussion of the program goals in the published FY12 CPC budget.

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 Kathleen Cahill, 617-796-1125, via email at KCahill@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.