

DOCKET

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August 8, 2011
Newton City Hall
To be reported on
Tuesday, September 6, 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

REQUEST FOR WITHDRAWAL WITHOUT PRE JUDICE

- #7-11(4) CHARLES RIVER COUNTRY CLUB, INC. petition 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 in a currently unimproved portion of an existing golf course (no buildings or structures are involved) at 483 DEDHAM STREET, Ward 8, on land known as SBL 83, 36, 4, containing ≈6,446,022 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)a) of the City of Newton Rev Ord, 2007, and special permit board order #261-96.
- #209-11 CANDACE HAVENS recommending the appointment of GLORIA GAVRIS as the Boston College Chestnut Hill campus representative to the Boston College Neighborhood Council pursuant to condition #13 of special permit #101-93.
- Public Hearings to be assigned for September 13, 2011:*
- #210-11 BONNIE & DAVID RISHIKOF petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND A NONCONFORMING STRUCTURE to construct a 2-story rear addition, increasing the Floor Area Ratio as of 10/15/11 from .57 to .6; add a shed dormer; reconfigure the exterior front landing and stairs in the front setback and construct a retaining wall greater than 4 feet in the rear setback of an existing single-family dwelling at 56 WALDORF ROAD, Ward 5, on land known as SBL 54, 47, 3, containing approx. 5,403 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u)(2), 30-15(t)(1) and (3), 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.

- #211-11 EASTERN BEVERAGE GROUP/EMK NEWTON CENTRE REALTY, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND/ALTER A NONCONFORMING USE from a retail market to a retail liquor store with associated signage at 543-545 COMMONWEALTH AVENUE, Ward 7, on land known as SBL 73, 45, 19, in a district zoned MULTI RESIDENCE 1. Ref: special permit #166-99, Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.
- #212-11 MATTHEW S. & RENEE L. LEVIN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to create a garage, an indoor basketball court and game room in an existing detached carriage house at 28 SARGENT STREET, Ward 7, on land known as SBL 73, 8, 10 containing approx. 46,990 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.
- #213-11 GALINA SLEZINGER/DAVID T. ZUSSMAN, TR. petition for a SPECIAL PERMIT to expand an existing restaurant to allow a portion of the restaurant to be used as a function room on certain evenings and to waive the parking requirements associated with a restaurant greater than 50 seats at 54-57 UNION STREET, Ward 6, Newton Centre, on land known as SBL 61, 36, 7, in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-11(d)(9), 30-19(d)(13), and 30-19(m) of the City of Newton Rev Zoning Ord, 2007.

OTHER COMMUNICATIONS

- #214-11 ALD. MERRILL offering a TESTIMONIAL RESOLUTION honoring JOHN MacGILLVRAY for recently being recognized as the outstanding Veterans Agent in the State of Massachusetts.
- #215-11 ALD. MERRILL, CROSSLEY, FULLER offering a TESTIMONIAL RESOLUTION honoring AUDREY COOPER for her dedication to the City of Newton.
- #216-11 COMMUNITY PRESERVATION COMMITTEE submitting on June 21, 2011 its Annual Report for Fiscal 2010

Zoning Board of Appeals Decisions, June 28, 2011:

- #286-06(2) ZBA #11-11 GERALD A. McDADE petition for a variance from the frontage requirement for an existing single-family dwelling that is part of a three-lot subdivision at 371 Waltham Street, West Newton.

DENIED

#217-11 ZBA #12-11 ROBERT & GAIL CHIN petitioner to legalize an existing two-family dwelling at 186 Auburn Street, Auburndale

APPROVED

#218-11 ZBA # 13-11 RICHARD D. SEWALL petition for a variance from the frontage requirement to subdivide an existing lot into two lots at 87-89 Waban Street, Newton Corner.

DENIED

#219-11 ZBA # 14-11 CECILIA A. SNYDER & SANDRA M. SNYDER petition for a variance to legalize an accessory dwelling unit over an attached garage 1t 12 Turner Street, Newtonville.

DENIED

On Remand from Land Court

#159-10 ZBA #8-10 RALPH ROBART appeal from the denial by the Commissioner of Inspectional Services to issue a building permit for the construction of a two-family dwelling at 32 Williams Street, Newton Upper Falls.

COMMISSIONER'S DECISION OVERTURNED

REFERRED TO ZONING AND PLANNING COMMITTEE

Public hearing to be assigned for September 12, 2011:

#94-11(2) ALD. HESS-MAHAN proposing amendments to Chapter 30, Section 30-1, clarifying that an accessory apartment is an accessory and subordinate use to the principal dwelling on a lot; to Sections 30-8 and 30-9 clarifying that no accessory unit may be held in separate ownership from the principal dwelling and to require that any special permit for an accessory apartment automatically include a condition that the two dwellings may not be held in separate ownership; and to Section 30-22, requiring that a RAAP report Certificate of Occupancy include language clarifying that the accessory apartment must be held in common ownership with the principal dwelling unit and that the owner must dwell in one of the two units.

Public hearing to be assigned for September 12, 2011:

#26-11(2) PLANNING AND DEVELOPMENT BOARD submitting in accordance with Section 7-2 of the City Charter an amendment to the 2007 Newton Comprehensive Plan to create a new Mixed Use Centers Element to be numbered section 3.A in the Comprehensive Plan and to include a vision and guidance for the development or redevelopment of large mixed-use centers.

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Public Hearing to be assigned:

#220-11 DEBORAH FOGEL et al. filing with the City Clerk on July 26, 2011 a Group Petition with 52 qualified voter signatures, pursuant to Sec. 10-2 of the City Charter, requesting the Board of Aldermen hold a public hearing “to allow regulated but unsupervised swimming at Cronin’s Cove on Crystal Lake.”
NB: Board action shall be taken not later than three months from the date the petition was filed with the City Clerk.

Re-appointment by His Honor the Mayor

#221-11 ROY KISLIUK, 65 Grasmere Street, Newton, re-appointed to the Boston College Institutional Biotechnology Committee for a term of office to expire March 30, 2014 (60 days 10-07-11). [08-01-11 @ 11:27AM]

Re-appointment by His Honor the Mayor

#222-11 FRANCIS RICE, 2360 Commonwealth Avenue, Auburndale, re-appointed as the Ward 4 member of the Parks and Recreation Commission for a term to expire on January 1, 2014 (60 days 10-07-11). [07-22-11 @ 1:29PM]

Re-appointment by His Honor the Mayor

#223-11 ARTHUR MAGNI, 107 Mount Vernon Street, West Newton, re-appointed as the Ward 2 member of the Parks and Recreation Commission for a term of office to expire January 1, 2014 (60 days 10-07-11). [07-20-11 @ 4:04PM]

Appointment by His Honor the Mayor

#224-11 LUCY CALDWELL-STAIR, 46 Woodcliff Road, West Newton, appointed to the Board of Trustees of the Jackson Homestead for a term of office to expire February 1, 2014 (60 days 10-07-11). [07-20-11 @ 4:04PM]

Re-appointment by His Honor the Mayor

#225-11 MARIETTA MARCHITELLI, 100 Waverley Ave, Newton, re-appointed to the Board of Trustees of the Jackson Homestead for a term of office to expire February 1, 2014 (60 days 10-07-11). [07-20-11 @ 4:04PM]

Re-appointment by His Honor the Mayor

#226-11 RUSSELL FELDMAN, 85 Langley Road, Newton Centre, re-appointed to the Board of Trustees of the Jackson Homestead for a term of office to expire February 1, 2014 (60 days 10-07-11). [07-20-11 @ 4:03PM]

Re-appointment by His Honor the Mayor

#227-11 MICHAEL CLARKE, 1115 Beacon Street, Newton Highlands, re-appointed as an alternate member of the Parks and Recreation Commission for a term of office to expire January 1, 2014 (60 days 10-07-11).[07-20-11 @ 3:05PM]

Re-appointment by His Honor the Mayor

#228-11 KATHLEEN HEITMAN, 751 Saw Mill Brook Parkway, Newton Centre,-
appointed as the Ward 8 member of the Parks and Recreation Commission for a
term of office to expire on June 30, 2014 (60 days 10-07-11). [07-20-11 @
3:05PM]

Re-appointment by His Honor the Mayor

#229-11 WALTER BERNHEIMER, 75 Winslow Road, Waban, re-appointed as the Ward
5 member of the Parks and Recreation Commission for a term of office to expire
on January 1, 2013 (60 days 10-07-11). [07-20-11 @ 3:04PM]

Re-appointment by His Honor the Mayor

#230-11 BARBARA SMILEY, 1073 Walnut Street, Newton Highlands, re-appointed to
the Urban Tree Commission for a term of office to expire June 1, 2014 (60 days
10-07-11). [07-20-11 @ 2:14PM]

Re-appointment by His Honor the Mayor

#231-11 KATHERINE ANN HOWARD, 84 Fenwick Road, Waban, re-appointed to the
Urban Tree Commission for a term of office to expire June 1, 2013 (60 days 10-
07-11). [07-20-11 @ 2:14PM]

Re-appointment by His Honor the Mayor

#232-11 JULIA MALAKIE, 50 Murray Road, West Newton, appointed to the Urban Tree
Commission for a term of office to expire June 1, 2012 (60 days 10-07-11). [07-
20-11 @ 2:14PM]

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

#233-11 ALDERMEN CROSSLEY, YATES AND RICE requesting a discussion with the
Massachusetts Department of Conservation & Recreation (DCR) regarding design
and location of the recently created pedestrian access from Quinobequin Road to
the revised DCR trail parallel to the Charles River, where pedestrians are
concealed and unprotected from oncoming traffic, and further to consider
redesign and/or relocation to make access points to the trail safe for both
pedestrians and drivers. [08/01/11 @ 4:18 PM]

#234-11 HIS HONOR THE MAYOR, requesting a review of proposed locations for
several new bus shelters, which are proposed to be installed in various locations
throughout the City. [06/02/11 @ 2:31 PM]

Re-appointment by His Honor the Mayor:

#235-11 JEROME GRAFE, 21 Oakland Street, Newton, re-appointed to the Traffic
Council for a term of office to expire on March 31, 2014 (60 days 10-07-11).
[07/20/11 @ 3:04 PM]

- #236-11 MARY LAWLOR, 251 Grant Avenue, filing on June 29, 2011 an appeal from the decision of the Traffic Council on June 23, 1011 to approve TC35-11c) as follows:
(c) *No parking on Beacon Street westbound (north side) from Grant Avenue to Dalton Road. (Wards 6 & 7)*

REFERRED TO PUBLIC FACILITIES COMMITTEE

Public Hearing to be assigned for September 7, 2011:

- #237-11 NSTAR ELECTRIC petitioning for a grant of location to install two poles in MYRTLE AVENUE on the southwesterly side approximately 97' northwest of Seminary Avenue. (Ward 4) [07/08/11 @ 11:12 AM]

Public Hearing to be assigned for September 7, 2011:

- #238-11 NATIONAL GRID petitioning for a grant of location to install and maintain 300' ± of 4" gas main in BROKEN TREE ROAD from the existing 4" gas main in Broken Tree Road northeasterly to provide service to 56, 63, 66, and 74 Broken Tree Road. (Ward 8) [07/26/11 @ 1:18 PM]

- #239-11 ALD. ALBRIGHT, CROSSLEY & LINSKY requesting a discussion with Public Buildings Department and School Committee regarding modular classrooms that includes the, the location, the age, the condition and the number of modular classrooms. [07-12-10 @ 3:19 PM]

REFERRED TO FINANCE COMMITTEE

Appointment by His Honor the Mayor:

- #240-11 CAROL ANN SHEA, 24 Milo Street, West Newton, appointed as a member of the NEWTON TAXATION AID COMMITTEE for a term of office to expire May 1, 2014 (60 days 10/07/11). [07-20-11 @ 4:03 PM]
- #241-11 ALD. HESS-MAHAN, FREEDMAN & FULLER requesting a discussion concerning the adoption of the provisions of An Act Relative to Municipal Health Insurance , Ch. 69 of the Acts of 2011, which will allow cities and towns to avoid an estimated \$100 million in health insurance increases, while guaranteeing a role for municipal unions at every step of the process. [07-18-11 @9:08 AM]
- #311-10(G1A)HIS HONOR THE MAYOR requesting authorization to transfer the sum of thirty-two thousand four hundred twenty-one dollars (\$32,421) from the Angier School Boiler Replacement Project to the Bowen School Boiler Replacement project. [08/01/11 @ 2:23 PM]

- #311-10(G2A) HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty-five thousand dollars (\$25,000) from the Williams School Boiler Replacement Project and the sum of twenty-five thousand dollars (\$25,000) from the Countryside School Lift Installation Project to the Countryside School Boiler Replacement Project. [08/01/11 @ 2:23 PM]
- #38-10(3) HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred four thousand eight hundred twenty six dollars (\$104,826) from the Energy Improvement Capital Stabilization Fund to provide additional funding for costs associated with building envelope improvements at the Newton Lower Falls Community Center. [08/01/11 @ 2:23 PM]
- #242-11 HIS HONOR THE MAYOR requesting a transfer from departmental payroll and health benefit accounts to various departmental payroll accounts in order to fund the cost items set forth in the labor contract agreement with the Newton Superior Officers' Association for FY12 through FY14. [08/01/11 @ 2:19 PM]
- #243-11 HIS HONOR THE MAYOR requesting transfers from various accounts in order to fund the cost items set forth in the FY09 through FY11 and the FY12 through FY14 labor contract agreements with the International Association of Firefighters, IAFF Local 863. [08/01/11 @ 2:20 PM]
- #244-11 HIS HONOR THE MAYOR requesting transfers from various accounts in order to fund the cost items set forth in the FY09 through FY11 and the FY12 through FY14 labor contract agreements with the American Federation of State, County and Municipal Employees, Local 2913, the Parking Enforcement and Traffic Supervisors Unions. [08/01/11 @ 2:22 PM]
- #245-11 HIS HONOR THE MAYOR requesting transfers from various accounts in order to fund the cost items set forth in the FY09 through FY11 and the FY12 through FY14 labor contract agreements with the City of Newton Engineers' Association. [08/01/11 @ 2:21 PM]
- #246-11 HIS HONOR THE MAYOR requesting transfers from various accounts in order to fund the cost items set forth in the FY09 through FY11 and the FY12 through FY14 labor contract agreements with the Massachusetts Nurses Association. [08/01/11 @ 2:20 PM]
- #247-11 HIS HONOR THE MAYOR requesting transfers from various accounts in order to fund the cost items set forth in the FY09 through FY11 and the FY12 through FY14 labor contract agreements with the American Federation of State, County and Municipal Employees, Local 2443, the Foremen's Union. [08/01/11 @ 2:21 PM]

#178-11(2) HIS HONOR THE MAYOR requesting transfers from various accounts in order to fund the cost items set forth in the amended FY12 through FY14 labor contract agreement with the American Federation of State, County and Municipal Employees, Local 3092 and Local 3092B. [08/01/11 @ 2:21 PM]

REFERRED TO REAL PROPERTY REUSE COMMITTEE

Public Hearing to be assigned for September 27, 2011:

#150-09(6) JOINT ADVISORY PLANNING GROUP and PLANNING & DEVELOPMENT DEPARTMENT filing their separate reports pursuant to Ordinance Sec. 2-7(2)b) identifying alternatives for the future use of the Austin Street municipal parking lot in Newtonville, which was declared surplus by the Commissioner of Public Works on December 1, 2010.

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.