

## DOCKET

Jan. 20: Programs&Services; Public Safety & Transportation; Public Facilities Continued

Jan. 25: Finance; Zoning & Planning

Jan 26: Post Audit & Oversight

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Tuesday, January 19, 2010

8:00 PM, Newton City Hall

To be reported on

**Monday, February 1, 2010**

## 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

*Public Hearings to be assigned for Tuesday, February 9, 2010:*

- #14-10 DONALD & JILL EURICH petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE/USE to locate a home business in a detached barn; to located two tandem parking spaces with the side setback; and, to waive five parking spaces at 7 WALNUT STREET, Ward 2, NEWTONVILLE, on land known as Sect 21, Blk 22, Lot 4, containing approx 32,716 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-12(a)(2)b), (b), 30-8(c)(9), (11)d), 30-19(d), (g)(1), (4), and (m) of the City of Newton Rev Zoning Ord, 2007.
- #18-98(2) KENMORE REALTY CORPORATION petition to AMEND SPECIAL PERMIT #18-98, granted on 4/6/98 for a 65-seat restaurant (Lumiere) and a waiver of 18 parking spaces, by increasing the number of seats from 65 to 88 (into the space formerly occupied by West Newton Liquors) and permitting accessory parking on an off-site lot (Newton Community Service Center) at 1293-1297 WASHINGTON STREET, Ward 3, WEST NEWTON, on land known as Sec 33, Blk 11, Lot 13, containing approx 12,047 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-11(d)(9), 30-19f)(3) of the City of Newton Rev Zoning Ord, 2007, and special permit #18-98.
- #15-10 STEVEN E. & MERLE WINER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct an attached garage to an existing single-family residence at 1 BILLINGS PARK, Ward 7, NEWTON, on land known as Sec 72, Blk 8, Lot 21, containing approx 8,496 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-21(a)(2)b), 30-21(b) of the City of Newton Rev Zoning Ord, 2007.

- #16-10      DIKRAN PANOSSIAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING USE to legalize a 13<sup>th</sup> apartment (unit 1-H) in an existing legal nonconforming 12 unit multi-family dwelling , including a waiver of two parking spaces, at 548 CENTRE STREET/48 HOLLIS STREET, Ward .1, NEWTON CORNER, on land known as Sec 72, Blk 6, Lot 14A, containing approx 15,320 sf of land in a district zoned MULTI RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(a)(2)a), 30-21(b), 3-19(d) and (m) of the City of Newton Rev Zoning Ord, 2007 and special permit #2-85.
- #17-10      MICHAEL G. PRATT & TRUDY L. GOOD petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to add a two-story addition to the rear of an existing single-family residence, increasing the Floor Area Ratio, and to demolish an existing garage and construct a carport on the south side of the lot at 51 HILLSIDE AVENUE, Ward 3, WEST NEWTON, on land known as Sec 32, Blk 3, Lot 5, containing approx 7,160 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)b) and 3-21(b) of the City of Newton Rev Zoning Ord, 2007.

#### **REFERRED TO ZONING AND PLANNING COMMITTEE**

- #18-10      ALD. YATES requesting a report from the Conservation Commission as to whether the Commission feels that the ticketing process for violation of wetlands laws proposed in docket #168-02, approved by Zoning & Planning in 2004 and subsequently voted No Action Necessary by the Board in 2009, would still be valuable in preserving the City's environment. [01/04/10 @ 8:16 PM]

#### **OTHER COMMUNICATIONS**

- #9-10      MAUREEN M. & RONALD A. MAURI, 35 Bradford Road, Newton Highlands, filing in Land Court on January 8, 2010 an appeal from Zoning Board of Appeals decision #14-09, dated 10/27/09, which upheld the Commissioner of Inspectional Services issuance of a building permit for the construction of a single-family dwelling at 31 Bradford Road.

#### **REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

- #19-10      DAVID KOSES, Traffic Council Chair, requesting discussion of a stationary radar sign program. [01/11/10 @ 3:55 PM]
- #80-08(3)      ALD. DANBERG requesting that the City's one-year trial commercial parking permit program (City Ord 19-205) be made permanent, with associated modifications based on the trial results. [01/12/10 @ 4:23 PM]

**REFERRED TO PUB SAFETY & TRANS AND PROG & SERV COMMITTEES**

- #20-10 ALD. HESS-MAHAN AND HARNEY requesting special legislation prohibiting the use of handheld mobile devices to send, read or receive electronic messages while operating a motor vehicle within the City of Newton and in order to protect its citizens and to limit unnecessary motor vehicle accidents, injuries, and fatalities, and that the appropriate committees conduct a public hearing to examine the feasibility thereof. [01/04/10 @ 5:07 PM]

**REFERRED TO PUBLIC FACILITIES COMMITTEE**

- #21-10 ALD. YATES & DANBERG requesting a report from His Honor the Mayor on the status of the city's application for federal funds to reconstruct Fire Station #7. [01/04/10 @8:16 PM]
- #22-10 ALD. YATES & DANBERG requesting a report from current and former members of the Design Review Committee on the treatment of the members of the committee relevant to the Newton North High School Project. [01/04/10 @8:16 PM]
- #23-10 ALD. YATES & DANBERG proposing a Resolution urging His Honor the Mayor to re-present the city's request for State bond money to be appropriated to implement the Needham Street reconstruction plan developed in partnership with the Needham Street property owners over the past decade. [01/04/10 @8:16 PM]
- #24-10 ALD. ALBRIGHT requesting a discussion regarding requiring any utility company that requests permission to bury wires in the street (to handle increased capacity or for any other reason) be required to: (1) choose a section of the street that has enough clearance to add additional conduit at the time of the work, or in the future, to bury additional conduit; (2) to add sufficient conduit to bury that utility's wires currently on the poles on that street at the time the work requested is undertaken. 01/11/10 @ 11:47 AM]

*The following grant was referred on 12/21/09 to the Finance Committee in accordance with the Rules & Orders of the Board; however, the Public Facilities Committee has asked that it be referred to that committee as well.*

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #420-09 HIS HONOR THE MAYOR requesting acceptance of and authorization to expend a grant of seven hundred ninety-nine thousand six hundred dollars (\$799,600) from the U.S. Department of Energy to be used to replace the heating system in Cabot, Zervas Elementary Schools and Emerson Community Center; replace the automatic temperature control system in the Newton Free Library and replace the HVAC system in both the Crafts and Elliot Street Garages. [12/15/09 @ 4:05 PM]

**REFERRED TO FINANCE COMMITTEE**

- #25-10 ALD. ALBRIGHT, LINSKY & JOHNSON requesting that the increase in Resident Sticker Parking Fees recently approved through Ordinance Z-48 be postponed for those residents on streets that have the Tiger Parking Permit Program restrictions until the Tiger Parking Permit Program is eliminated. [01/11/10 @ 11:53 AM]
- #26-10 HIS HONOR THE MAYOR requesting a transfer of twenty-five thousand dollars (\$25,000) from the severance budget in the Human Resources Department to the Executive Department for the purpose of covering current year severance expenses. [01/12/10 @ 4:50 PM]
- #27-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred twenty-five thousand dollars (\$125,000) from Budget Reserve for the purpose of supplementing the unemployment account in the Human Resources Department. [01/12/10 @ 4:50 PM]

**REFERRED TO COMM. ON COMM. PRES. AND FINANCE COMMITTEES**

- #28-10 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$362,500, including \$2,500 for City of Newton legal costs, be appropriated from the fiscal 2010 community housing and general reserves of the Community Preservation Fund and expended under the direction and control of the Planning and Development Department, to create two units of perpetually affordable rental housing at 2148-2150 Commonwealth Avenue. [01/11/10 @ 4:23 pm]

**REFERRED TO COMMITTEE ON COMMUNITY PRESERVATION**

- #29-10 ALD. YATES requesting the Urban Design Commission to review the original plans for the City Hall grounds and recommend steps that can be taken by volunteers such as the removal of invasive plants blocking the view of the ponds and others that can only be done with the use of Community Preservation funds. [01/04/10 @ 8:16 PM]

**REFERRED TO POST AUDIT & OVERSIGHT COMMITTEE**

- #174-08(4) ALD. SWISTON & SHAPIRO requesting the Traffic Engineer provide a status report on the implementation of the recent parking meter rate increases and their impact on parking. [01/12/10 @ 2:27 PM]
- #30-10 ALD. SWISTON & SHAPIRO requesting a review and discussion of the special legislation that created the Newton Community Development Authority in 1975. [01-12-10 @ 2:27 PM]

#31-10

ALD. SWISTON & SHAPIRO requesting a review of ordinance **Sec. 26-30. Licenses for cafe furniture on sidewalks.** [01/12/10 4:37 PM]