

REPORTS DOCKET

Sept. 21: Land Use Continued
Sept. 22: Programs&Services; Public Safety&Transportation; Public Facilities Page 194
Sept. 23: Real Property Reuse Monday, September 20, 2010
Sept. 27: Finance; Zoning&Planning 7:45 PM, Newton City Hall
Sept. 28: Land Use To be reported on
Monday, October 4, 2010

CITY OF NEWTON

IN BOARD OF ALDERMEN

REFERRED TO LAND USE COMMITTEE

Tuesday, September 21, 2010

Present: Ald. Hess-Mahan (Chairman), Ald. Merrill, Albright, Fischman, Blazar, Schnipper, Crossley, and Harney; also present: Ald. Rice, Lennon, Ciccone, and Baker

Public Hearings were opened on the following items:

- #105-09(2) YANPING SUN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an accessory apartment in an existing single-family dwelling, including the waiver of landscaping requirements for a parking facility, at 87 WOODWARD STREET, Ward 5, Newton Highlands, on land known as Sec 52, Blk 1, Lot 27, containing 12,786 sq ft of land in a district zoned SINGLE RESIDENCE 2.
HEARING CONTINUED TO OCTOBER 5, 2010
- #211-10 BRUNO PALUMBO TRUSTEE, PALUMBO FAMILY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and to EXTEND a NONCONFORMING USE to demolish an existing two-family dwelling and replace it with six 2.5-story attached dwelling units, with associated waivers from the 24-foot height requirement and from parking requirements for maneuvering space/aisles/driveway width/handicapped parking, and to construct a greater than four-foot retaining wall within the side setback at 244 ADAMS STREET, Ward 1, Nonantum, on land known as Sec 14, Blk 14, Lots 3 and 4, containing approx 13,966 sq ft of land in a district zoned BUSINESS 2.
HEARING CLOSED
- #213-10 NEWTON HISTORICAL SOCIETY/DURANT HOMESTEAD FOUNDATION, INC. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXPAND A NONCONFORMING STRUCTURE to demolish and rebuild a portion of the Durant-Kenrick Homestead to accommodate a new, larger visitor entry area and meeting space to allow a museum, which includes a waiver from the required number of parking spaces and their dimensions, at 286 WAVERLEY AVENUE, Ward 7, Newton, on land known as Sec 73, Blk 9, Lot 17, containing approx 24,638 sq ft of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(a)(2)b), 30-21(b), 30-19(d)(13), 30-19(g)(1)&(2), 30-19(m), 30-8(b)(4) of the City of Newton Rev Zoning Ord, 2007.
HEARING CLOSED; ITEM APPROVED 8-0

REFERRED TO LAND USE COMMITTEE

Tuesday, September 28, 2010

Present: Ald. Hess-Mahan (Chairman), Ald. Merrill, Schnipper, Harney, Blazar, Albright, Crossley, Fischman; also present: Ald. Lappin, Fuller, Shapiro, Lennon, Gentile, Baker, Yates, and Danberg

Planning Board members: Tabetha McCartney (Chairman), Leslie Burg, Howard Heywood, Scott Wolfe, David Banash, and Doug Sweet

Public Hearings were held on the following items:

#214-10 NEW ENGLAND DEVELOPMENT LLC/NED CHESTNUT HILL SQUARE LLC/G&K LLC/KEY CHESTNUT LLC petition for a change of zone to *Business 4* for parcels located at 200-230 Boylston Street also identified as Section 82, Block 2, Lots 10, 14, 15, 15A, 15B, 15C, 29, 30, 8, 9, 18, currently zoned Business 1, Lot 11, currently zoned Limited Manufacturing, and 13 and 32, currently zoned Multi Residence 2.

HEARING CLOSED

#214-10(2) NEW ENGLAND DEVELOPMENT LLC/NED CHESTNUT HILL SQUARE LLC/G&K LLC/KEY CHESTNUT LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed-use retail and residential development, including an 8-story building containing approx. 91 residential units, approximately 102,000 sq ft of retail (with open air businesses) and restaurant space (over 50 seats), a 60,000 sq ft medical office building, 30,000 sq-ft health club and waivers from associated parking requirements, including but not limited to a multi-level parking facility, driveway width in excess of 25', valet parking, dimensions for handicapped parking stalls, retaining walls of greater than 4' in setbacks, and additional freestanding signs; number of signs; and signs exceeding the allowed square footage at 200-230 BOYLSTON STREET, 7 HAMMELL PLACE LLC, and 114 and 146 FLORENCE STREET, Ward 7, Chestnut Hill, on land known as Sec 82, Blk 2, Lots 8, 9, 10, 11, 13, 14, 15, 15A, 15B, 15C, 18, 29, 30, and 32 containing approx 11.32 acres of land in a *proposed* BUSINESS 4 zoned district. Ref: Sec 30-24, 30-23, 30-15 Table 3, 30-11(7), (8), (9), and (10), 30-19(d)(18), 30-19(f), 30-19(h)(2)c), (4),(5)b), 30-19(m), 30-20(c), 30-20(d)(2), 30-20(i)(4), 30-20(f), 30-20(l) of the City of Newton Rev Zoning Ord, 2007.

HEARING CLOSED 7-1

REFERRED TO ZONING AND PLANNING COMMITTEE

Monday September 28, 2010

Present: Ald. Johnson (Chairman), Baker, Swiston, Sangiolo, Lappin, Shapiro, Yates, Lennon

Planning Board members: Tabetha McCartney (Chairman), Doug Sweet, Howard Heywood, and Leslie Burg

A Public Hearing was held on the following item:

#216-10 KSKIM UBS EQUITY PARTNERS LLC, owners of property at 19-31 Needham Street, proposing that chapter 30 section §30-13(a) *Allowed Uses in Mixed Use 1 Districts*, be amended by adding a new subsection (5) as follows: “(5) Service establishment;” and that existing subsection (5) be re-numbered (6) and that section §30-13(b) *Special Permits in Mixed Use 1 Districts* be amended by deleting subsection “(4) service establishment;” and re-numbering subsequent subsections (4) through (15). [7/26/10 @2:26 PM] 90 days 12/26/10
HEARING CLOSED; ITEM HELD 8-0

#154-10 ALD. JOHNSON, CROSSLEY and HESS-MAHAN requesting to amend **Section 30-1 Definitions**, by inserting a new definition of “lot area” and revising the “setback line” definition for clarity. [06/01/10 @ 9:25 PM]
HELD 7-0 (Swiston not voting)

#153-10 ALD. JOHNSON, CROSSLEY AND HESS-MAHAN requesting to amend **Section 30-15 Table 1** of the City of Newton Ordinances to allow a reasonable density for dwellings in Mixed Use 1 and 2 districts. [06/01/10 @ 9:25 PM]
HELD 7-0 (Swiston not voting)

#183-10 ALD. JOHNSON, CROSSLEY AND HESS-MAHAN requesting to amend **Section 30-13(a) Allowed Uses in Mixed Use 1 Districts** by inserting a new subsection (5) as follows: “(5) Dwelling units above the first floor, provided that the first floor is used for an office or research and development use as described above;” and renumbering existing subsection (5) as (6). [06/07/10 @12:00 PM]
HELD 7-0 (Swiston not voting)

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

Wednesday, September 22, 2010

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

#239-10 CAROL KELLY, 44 Walker Street, Newtonville, appointed as a member of the HUMAN RIGHTS COMMISSION for a term of office to expire September 7, 2013 (60 days 10/6/10). [8/30/10 @5:14PM]
APPROVED 7-0

Appointment by His Honor the Mayor

#255-10 RICK LIPOF, 105 Baldpate Hill Road, Newton Centre, appointed as a member of the Election Commission to fill the unexpired term of David Mofenson, which expires on March 31, 2011 (60 days 11/19/10). [9/13/2010 @ 5:46pm]

APPROVED 7-0

Re-appointment by His Honor the Mayor

#256-10 KENNETH HARTFORD, 30 Clarendon Street, Newtonville, re-appointed as a member of the Election Commission for a term of office to expire March 31, 2013 (60 days 11/19/10). [9/13/2010 @ 5:46pm]

APPROVED 7-0

Re-appointment by His Honor the Mayor

#257-10 FAY COHEN, 25 Cottonwood Road, Newton Centre, re-appointed as member of the Election Commission for a term of office to expire March 31 2013 (60 days 11/19/10). [9/13/2010 @ 5:46pm]

APPROVED 7-0

Appointment by His Honor the Mayor

#240-10 KAREN LISCHINSKY, 230 Walnut Street, Newtonville, appointed as a member of the YOUTH COMMISSION for a term of office to expire September 7, 2013 (60 days 10/6/10). [8/30/10 @5:14 PM]

HELD 5-0 (Hess-Mahan, Baker not voting)

#125-09

THE POST AUDIT & OVERSIGHT COMMITTEE requesting creation of a public tree protection ordinance and amendment of the current tree ordinance as recommended in the Tree Preservation Ordinance Report. [04/17/09 @ 9:14 PM]

HELD 6-0 (Hess-Mahan)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#230-10 HIS HONOR THE MAYOR requesting an appropriation in the amount of eight hundred twenty- one thousand six hundred sixty-four dollars (\$821,664) from FY'11 Revenue for the purpose of supplementing the FY11 School Department budget. This sum represents a portion of the state aid for the City of Newton in the Commonwealth's adopted FY'11 budget. [08/02/10 @ 4:59 PM]

HELD 6-0 (Hess-Mahan)

FINANCE TO MEET

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, September 22, 2010

Present: Ald. Ciccone (Chairman), Harney, Johnson, Swiston, Fuller and Shapiro; absent: Ald. Freedman, Johnson; also present: Ald. Hess-Mahan

#219-10 DAVID NEWCOMB, 275 Grove Street, Suite 2-400, Auburndale, MA 02466, requesting **one (1) new public auto license** for NEWTON COACH, INC. [07/30/10 @ 12:48 PM]
HELD 5-0 (Swiston not voting)

#160-10 PLANNING DEPARTMENT and 128 Business Council requesting a discussion of proposed new shuttle to serve portions of Waltham and Newton. [05/14/10 @ 10:42AM]
APPROVED 6-0

#263-09 ALD. BRANDEL & LINSKY requesting a discussion with the city traffic engineer and a representative of the management of the Avalon Bay apartment complex relative to the status of the traffic signal on Needham Street, including funding, application, the approval process, and an anticipated date for installation. [08/10/09 @ 8:34 AM]
NO ACTION NECESSARY 6-0

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]
PROGRAMS & SERVICES HELD 7-0 on 01/20/10
NO ACTION NECESSARY 6-0

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, September 22, 2010

Present: Ald. Schnipper (Chairman), Lennon, Albright, Salvucci, Gentile, Crossley, Danberg, and Lappin; also present: Ald. Fuller

#242-10 NATIONAL GRID petitioning for a grant of location to install and maintain 60' ± of 6" gas main in HARWICH ROAD from the existing 6" gas main in Harwich Road at House No. 149 southerly to House No. 156. WARD 8 [08/10/10 @ 2:38 PM]
APPROVED 7-0 (Gentile not voting)

#243-10 NATIONAL GRID petitioning for a grant of location to install and maintain 89' ± of 4" gas main in OLD FARM ROAD from the existing 4" gas main in Fairhaven Street southeasterly to 203 Old Farm Road. WARD 8 [08/26/10 @ 11:22 AM]
APPROVED 7-0 (Gentile not voting)

#258-10 NATIONAL GRID petitioning for a grant of location to install and maintain 110' ± of 6" gas main in BEECHER PLACE from the existing 6" gas main in Beecher Place at Beecher Terrace easterly to 50 Beecher Place. WARD 6 [09/01/10 @ 12:01 PM]
APPROVED 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#231-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of thirty thousand dollars (\$30,000) from the Angier School Boiler Replacement Project to the Williams School Boiler Replacement Project. [08/02/10 @ 5:02 PM]
NO ACTION NECESSARY 8-0
FINANCE TO MEET

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#264-10 ALD. CROSSLEY, SCHNIPPER & FULLER requesting a discussion of the status of new water meter installations, and to consider payment mechanisms to help customers if they receive an extraordinary, one-time, water bill from an accurate accounting of past usage over an extended period of time. [09/16/10 @ 11:59 am]
NO ACTION NECESSARY 8-0
FINANCE TO MEET

#385-07 ALD. SCHNIPPER AND GENTILE updating the Public Facilities Committee on the progress of the Newton North High School Project. [11/21/07 @ 10:23 AM]
HELD 7-0 (Schnipper not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Monday, September 27, 2010

Present: Ald. Schnipper (Chairman), Lennon, Albright, Gentile, Crossley, Danberg, and Lappin;
 absent: Ald. Salvucci, also present: Ciccone, Freedman, Fuller, Linsky, Merrill, and Rice

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#231-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of thirty thousand dollars (\$30,000) from the Angier School Boiler Replacement Project to the Williams School Boiler Replacement Project. [08/02/10 @ 5:02 PM]
FINANCE APPROVED AS AMENDED 6-0 1 (Linsky abstaining) on 9/27/10
APPROVED AS AMENDED 6-0 (Lennon not voting)

REFERRED TO FINANCE COMMITTEE

Monday, September 27, 2010

Present: Ald. Gentile (Chairman), Ciccone, Linsky, Rice, Danberg, Fuller, Freedman; absent: Ald. Salvucci; also present: Ald. Albright, Crossley, Lappin, Lennon, Merrill and Schnipper

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#231-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of thirty thousand dollars (\$30,000) from the Angier School Boiler Replacement Project to the Williams School Boiler Replacement Project. [08/02/10 @ 5:02 PM]
PUBLIC FACILITIES APPROVED AS AMENDED 6-0 (Lennon not voting) on 9/27/10
APPROVED AS AMENDED 6-0-1 (Linsky abstaining)

#260-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one thousand six hundred dollars (\$1,600) from the Special Permit Mitigation Fund established with contributions from Panera Bread (#242-09), Lumiere Restaurant (#18-98(2)), Down Under Yoga (#246-09) and 548 Centre Street/48 Hollis Street (#16-10) for the purpose of funding the cost of shipping bicycle racks. [09/13/10 @ 3:03 PM]
APPROVED 7-0

#260-10(2) HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty-five thousand dollars (\$25,000) from FY11 Budget Reserve to the Planning Department for the purchase of bicycle racks and authorization to accept a grant in the amount of twenty-five thousand dollars (\$25,000) from the Metropolitan Area Planning Council for the purpose of reimbursing the FY11 Budget Reserve once the bicycle racks are purchased. [09/13/10 @ 3:03 PM]
APPROVED 7-0

#261-10 HIS HONOR THE MAYOR requesting authorization to accept funds donated by the Newton Conservators, Friends of Nahanton Park, and the Newton Community Farm, Inc. in the amount of four thousand five hundred dollars (\$4,500) and expend it for the purpose of funding a Natural Resources Inventory and Management Plan for Nahanton Park. [09/13/10 @ 5:52 PM]
APPROVED 7-0

#265-10 HIS HONOR THE MAYOR requesting Board of Aldermen authorization pursuant to MGL Chapter 30B §12 to grant up to three (3) one-month extensions of Contract #C-2542 Parking Violation Process and Collection System, with Complus Data Innovations, Inc. for the purpose of allowing the City to continue to process parking violations. [09/20/10 @ 12:46 PM]
APPROVED 7-0

- #209-10 ALD. FULLER, BAKER, BLAZAR, DANBERG, FREEDMAN, HESS-MAHAN, JOHNSON, LAPPIN, LINSKY, SALVUCCI AND SWISTON requesting that the Board of Aldermen establish an investment vehicle into which appropriations may be made for future post-employment benefits, especially health care coverage for retirees. A number of investment vehicles will be considered, including an Other Post-Employment Benefits (OPEB) Stabilization Fund or an Other Post-Employment Benefits Liability Trust Fund that can be adopted under the provisions of Massachusetts General Laws Chapter 32B, §20. [06/22/10 @ 3:10 PM]
NO ACTION NECESSARY 7-0
- 209-10(2) HIS HONOR THE MAYOR requesting acceptance of Massachusetts General Law Chapter 32B, Section 20. Other Post-Employment Benefits Liability Trust Fund; local option; funding schedule, which authorizes the establishment of a separate fund, to be known as the Other Post-Employment Benefits Liability Trust Fund, a for the purpose of providing an irrevocable, dedicated trust fund as a vehicle to make advance contributions for retirement health care benefits. [08/02/10 @ 5:00 PM]
APPROVED 7-0
- #209-10(3) HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thirty-seven thousand dollars (\$137,000) from the General Fund to the Other Post-Employment Benefits Liability Trust Fund. [08/02/10 @ 5:01 PM]
APPROVED 7-0
- #226-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of six thousand one hundred fifty-one dollars (\$6,151), which was generated from the Newton North Yard Sale, from the FY10 General Fund Surplus Revenue Account to a special account to be overseen by the principal of Newton North High School to be utilized to enhance the community in the new high school. [08/02/10 @ 4:58 PM]
APPROVED 7-0
- #224-10 HIS HONOR THE MAYOR requesting authorization to establish and transfer the sum of two million six hundred forty-three thousand two hundred seventy-one dollars (\$2,643,271) from FY10 Free Cash to an Undesignated Stabilization Fund. [08/02/10 @ 5:01 PM]
APPROVED 7-0
- REFERRED TO PROG. & SERV. AND FINANCE COMMITTEES**
- #262-10 PRESIDENT LENNON & ALD. FULLER recommending that the 2010 – 2011 Rules and Orders of the Board of Aldermen be amended to establish a FINANCIAL AUDIT ADVISORY COMMITTEE. The advisory committee will report to the Board of Aldermen through the Finance Committee. The focus of the committee's work will be on the annual financial audit of the City and any other fiscal accountability matters, as deemed important by the Finance Committee, needing review. [09-13-10 @ 1:52 PM]
APPROVED 7-0
PROGRAMS & SERVICES TO MEET

REFERRED TO REAL PROPERTY REUSE COMMITTEE

Thursday, September 23, 2010

Present: Ald. Danberg (Chairman), Ald. Merrill, Linsky, Crossley, and Baker; absent: Ald. Fischman, Gentile, Salvucci; also present: Ald. Albright and Shapiro

#150-09 DIRECTOR OF PLANNING & DEVELOPMENT requesting a discussion re the potential redevelopment of the Austin Street municipal parking lot in Newtonville for mixed-use development, including affordable housing.

HELD 5-0

#150-09(2) REAL PROPERTY REUSE COMMITTEE requesting that a working group consisting of Reuse members Aldermen Crossley and Linsky, along with Ward 2 Aldermen Albright and Johnson meet with the Executive Department, the Commissioner of Public Works, and the Planning Department to review the potential redundancy and future use of the Austin Street municipal parking lot.

APPROVED 5-0