

## DOCKET

August 11: Land Use

Continued  
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Monday, August 10, 2009  
Newton City Hall  
To be reported on  
**Tuesday, September 8, 2009**

### 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

#102-06(10) KESSELER DEVELOPMENT LLC request for a one-year extension of time in which to exercise Special Permit/Site Plan Approval #102-06(9), granted on November 17, 2008, for construction of a condominium complex consisting of 3 structures, 1 multi-family residence of 52 dwelling units and 2 single-family attached dwelling structures with a total of 10 units, for a total of 62 dwelling units with accessory parking on land located on LaGrange Street, Ward 8; said extension will run from November 17, 2009 to November 17, 2010. Ref: Sec 30-24(c)(4) of the City of Newton Rev Zoning Ord, 2007.

***Public Hearings to be re-assigned for September 22, 2009:***

#181-09 201 NEEDHAM STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert a portion of existing retail space to restaurant space with 120 seats at 201 NEEDHAM STREET, Ward 5, Newton Upper Falls on land known as Sec 51, Blk 28, Lot 8B, containing approx 64,398 sf of land in a district zoned MIXED USE 1. Ref: Sec 30-24, 30-23, and 30-13(b)(5) of the City of Newton Rev Zoning Ord, 2007.

#182-09 188 NEEDHAM STREET petition for SPECIAL PERMIT to convert a portion of existing retail and office space to restaurant space with 120 seats at 188-210 NEEDHAM STREET, Ward 8, Newton Upper Falls, on land known as Sec 83, Blk 28, Lots 83 and 84, containing approx 192,308 sf of land in a district zoned MIXED USE 1 Ref: Sec 30-24 and 30-13(b)(5) of the City of Newton Rev Zoning Ord, 2007.

#183-09 MONTE J. & ANNE H. WALLACE TRUSTEES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a private garage of more than 700 square feet to be attached to an existing single-family dwelling at 256 CHESTNUT HILL ROAD, Ward 7, Chestnut Hill, on land known as Sec 63, Blk 32, Lot 3, containing approx 126,120 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, and 30-8((b)(7) of the City of Newton Rev Zoning Ord, 2007.

***Public Hearing to be assigned for September 22, 2009:***

#208-09 TREXLER M. & JUDITH W. TOPPING petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to re-grade portions of a yard for retaining walls/berms and landscape areas in excess of 4 feet at 132 FARLOW ROAD, Ward 7, NEWTON, on land known as Sec 72, Blk 35, Lot 10, containing approx 62,378 sf of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 30-24, 30-23, 30-5(b)((4) of the City of Newton Rev Zoning Ord, 2007.

***The following item was filed after the close of the Docket and needs a suspension of the Rules to be referred to committee in order to assign public hearings for September 22, 2009:***

#209-09 KARAMEH HAWASH petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing single-family dwelling and to reconstruct a new single-family dwelling, which will exceed the allowable floor area ratio from .3 to .33 at 45 VILLAGE CIRCLE, Newton Centre, Ward 8, on land known as Sec 81, Blk 3, Lot 14, containing approximately 10,037 sf in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15, Table 1 Footnote 5 of the City of Newton Rev Zoning Ord, 2007.

***The following item was filed after the close of the Docket and needs a suspension of the Rules to be referred to committee in order to assign public hearings for September 22, 2009:***

#210-09 PHILIP & MICHELLE DANDREA petition for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NON-CONFORMING STRUCTURE to demolish an existing one-story garage and replace it with a new garage and second-story addition, which will increase the floor area ratio from .46 to .55 at 91 OTIS STREET, Newtonville, Ward 2, on land known as Sec 24, Blk 12, Lot 10, containing approximately 3,467 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 1, Footnote 5 of the City of Newton Rev Zoning Ord, 2007.

**REFERRED TO ZONING & PLANNING COMMITTEE**

Appointment by His Honor the Mayor

#211-09 JONATHAN SALES, 1429 Centre Street, Newton Centre, appointed as an associate member of the ZONING BOARD OF APPEALS for a term to expire September 1, 2010 (60 days 10/9/09).

Re-appointment by His Honor the Mayor

#212-09 BARBARA WALES, 5 Rotherwood Road, Newton Centre, re-appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire January 1, 2013 (60 days 10/9/09).

**OTHER COMMUNICATIONS**

#213-09 ALD. ALBRIGHT offering a TESTIMONIAL RESOLUTION to honor HELEN SMITH, who is retiring after 34 years of teaching journalism and advising *The Newtonite*.

#214-09 NEXTEL COMMUNICATIONS/CLEAR WIRELESS, LLC application for administrative site plan review in accordance with §30-18A(h) for installation of 5 dish antennae and equipment at One Gateway Center, Newton Corner.

#215-09 NEXTEL COMMUNICATIONS/CLEAR WIRELESS, LLC application for administrative site plan review in accordance with §30-18A(h) to install wireless equipment at 1296 Washington Street, West Newton.

#216-09 SPRINT SPECTRUM, L.P./CLEAR WIRELESS LLC application for administrative site plan review in accordance with 30-18A(h) for relocation and installation of wireless antennae and equipment at 345 Boylston Street.

#217-09 BELL ATLANTIC MOBILE of MASS. CORP. LTD. d/b/a VERIZON WIRELESS application for administrative site plan review in accordance with §30-18A(h) to upgrade existing wireless equipment at 345 Boylston Street.

#218-09 BELL ATLANTIC MOBILE of MASS. CORP. LTD. d/b/a VERIZON WIRELESS application for administrative site plan review in accordance with §30-18A(h) to upgrade existing wireless equipment at 300 Washington Street (Gateway Center), Newton Corner.

- #219-09 BELL ATLANTIC MOBILE of MASS. CORP. LTD. d/b/a VERIZON WIRELESS application for administrative site plan review in accordance with §30-18A(h) to upgrade existing wireless equipment at 1330 Centre Street, Newton Centre.
- #220-09 BELL ATLANTIC MOBILE of MASS. CORP. LTD. d/b/a VERIZON WIRELESS application for administrative site plan review in accordance with §30-18A(h) to upgrade existing wireless equipment at 2345 Commonwealth Avenue (Marriott Hotel), Auburndale.
- #221-09 BELL ATLANTIC MOBILE of MASS. CORP. LTD. d/b/a VERIZON WIRELESS application for administrative site plan review in accordance with §30-18A(h) to install 3 interior mounted antennae at 1000 Commonwealth Avenue, Newton Centre.
- #222-09 BELL ATLANTIC MOBILE of MASS. CORP. LTD. d/b/a VERIZON WIRELESS application for administrative site plan review in accordance with §30-18A(h) to upgrade existing wireless equipment at 288 Walnut Street, Newtonville.
- #223-09 BELL ATLANTIC MOBILE of MASS. CORP. LTD. d/b/a VERIZON WIRELESS application for administrative site plan review in accordance with §30-18A(h) to upgrade existing wireless equipment at 2223 Washington Street, Newton Lower Falls.
- #224-09 METROPCS MASSACHUSETTS LLC application for administrative site plan review in accordance with §30-18A(h) to install wireless equipment at 399 Grove Street (Hotel Indigo), Auburndale.

**Zoning Board of Appeals Decisions, May 26, 2009:**

- #104-09 ZBA #6-09 HARVEY & LINDA DAVIDSON appeal from the issuance of a building permit by the Commissioner of Inspectional Services for property located in the rear of nos. 80 and 84 Central Avenue on Wilton Road, Newtonville.  
**APPEAL DENIED**
- #225-09 ZBA #7-09 DAVID & LISA SANDS petition for variances from the rear and side setback requirements to legalize a newly constructed recreation court at 37 Baldpate Hill Road, Newton Centre.  
**APPROVED**
- #226-09 ZBA #8-09 ALFRED NICHOLAS PARNELL petition for a variance from the front yard setback requirement to construct a 6-foot wide landing at 68 Walnut Hill Road, Newton Centre.  
**APPROVED**

**Zoning Board of Appeals Decisions, June 23, 2009:**

#227-09 ZBA #9-09 CHAORAN HUANG petition for a variance from the front yard setback requirement to construct a 2/12-story two-car garage and bedroom addition to an existing single-family dwelling at 92 West Pine Street, Auburndale.

**DENIED**

#228-09 ZBA #10-09 STEPHEN & JANET CLAY petition for a variance from the side yard setback requirement to construct a sports recreation court at 233 Otis Street, West Newton.

**DENIED**

**REFERRED TO PROGRAMS & SERVICES COMMITTEE**

Re-Appointment by His Honor the Mayor

#229-09 PETER KASTNER, 49 Woodbine Street, Auburndale, re-appointed as an *alternate member* of the PARKS & RECREATION COMMISSION for a term to expire on January 1, 2012 (60 days: 10/09/09) [07/20/09 @ 10:24 AM]

Re-Appointment by His Honor the Mayor

#230-09 JACK NEVILLE, 68 High St., Newton Upper Falls, re-appointed as an *alternate member* of the PARKS & RECREATION COMMISSION for a term to expire on April 1, 2012 (60 days: 10/09/09) [07/20/09 @ 10:24 AM]

Re-Appointment by His Honor the Mayor

#231-09 PETER JOHNSON, 121 Fairway Drive, West Newton, re-appointed as a member of the PARKS & RECREATION COMMISSION for a term to expire on January 1, 2012 (60 days 10/09/09) [07/20/09 @ 10:24 AM]

#232-09 ALD. HESS-MAHAN, DANBERG AND FREEDMAN requesting an amendment to the City of Newton Ordinances to ban the sale of tobacco products at pharmacies in Newton.  
[07/16/09 @ 9:42 AM]

#329-05(3) ALD. YATES requesting a discussion relative to amending the noise control ordinance to (A) prohibit the cumulative noise level from multiple pieces of equipment operating simultaneously on the same site to exceed the maximum noise levels allowed when measured at the nearest lot line and (B) to eliminate various exemptions in residential districts.

**REFERRED TO PROGRAM & SERVICES AND FINANCE COMMITTEES**

#233-09 ALD. JOHNSON AND LINSKY requesting a discussion to increase fine to the maximum level for dogs not having a current license.  
[07/13/09 @ 7:26 PM]

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE**

- #127-09(2) IRA KRONITZ appealing the Denial of # TC20-09 Traffic Council Decision on 06/25/09: ALD. SCHNIPPER proposing two stop signs at the intersection of Jackson and Daniels Streets. (Ward 6) [07/14/09 @ 9:29 AM]
- #127-09(3) IRA KRONITZ requesting reconfiguration of intersection of Jackson and Daniel Streets to square up the intersection for traffic calming and pedestrian safety. [06/30/09 @ 9:57 AM]
- #234-09 ALD. FREEDMAN on behalf of Paul Rubin requesting consideration of additional on-street handicap parking spaces in village centers particularly Newton Centre. [02/11/09 @ 8:52 AM]

**REFERRED TO PS&T COMMITTEE by TRAFFIC COUNCIL on 10/23/08**

- #235-09 ALD. SANGIOLO, HARNEY & GENTILE on behalf of residents on TC2(2)-08 Wolcott Street requesting that the traffic control signal located at Wolcott and Lexington Streets be moved to a different location or removed altogether. (Ward 4)

**REFERRED TO PUBLIC FACILITIES COMMITTEE****Public Hearing to be Assigned for September 9, 2009**

- #236-09 JOHN F. FANTASIA, 337 California Street, Newton 02458, petitioning for a common sewer main to be constructed in CALIFORNIA STREET from the existing sewer manhole located approximately 200' east of the intersection of Chapel Street and California Street westerly 460' ± to a proposed manhole in California Street. (Ward 1) [07/15/09 @ 12:40 PM]

**Public Hearing to be Assigned for September 9, 2009**

- #237-09 VERIZON NEW ENGLAND, INC. petitioning for a grant of location to set new Pole 64/14A in CARLISLE STREET to be used to guy existing Pole 64/14 and to eliminate the aerial cables from crossing over the property at 124/126 Carlisle Street. (Ward 6) [07/30/09 @ 11:00 AM]

*The following item was filed after the close of the Docket and needs a suspension of the Rules to be referred to committee:*

**Public Hearing to be Assigned for September 9, 2009:**

- #238-09 NSTAR ELECTRIC COMPANY petitioning for a grant of location to install approximately 728 feet of conduit in Lowell Avenue and Elm Road and to install 2 new manholes in Elm Road to provide electric service to the new Newton North High School.

- #239-09 ALD. PARKER requesting a resolution be sent to His Honor the Mayor requesting that the Rumford Avenue Recycling Center be reopened as soon as possible. [07/07/09 @ 12:45 PM]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #196-07(5) HIS HONOR THE MAYOR requesting authorization to appropriate and expend an additional one hundred twelve thousand, four hundred dollars (\$112,400) from bonded indebtedness for the rehabilitation of Fire Station #4. [08/04/09 @ 4:28 PM]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #11-09(2) HIS HONOR THE MAYOR requesting authorization to appropriate and expend three million, eight hundred thirty-nine thousand dollars (\$3,839,000) from bonded indebtedness for the reconstruction of Fire Station # 7. [08/04/09 @ 4:29 PM]

**REFERRED TO FINANCE COMMITTEE**

- #207-09(2) ALD. GENTILE, JOHNSON, LENNON, SALVUCCI AND SANGIOLO requesting a public hearing on docket item #207-09, a proposal to increase the meals tax by .075% in Newton. [07/24/09 @ 9:14 AM]
- #206-09(2) ALD. PARKER proposing the creation of a Capital Maintenance Account to which all new receipts from local meals taxes and the expanded receipts from hotel/motel taxes be dedicated. [07/09/09 @ 12:42 PM]
- #240-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend twenty-four thousand, three hundred dollars (\$24,300) from Receipts Reserved for appropriation for the purpose making a grant for the rehabilitation of the Warren House. [08/04/09 @ 4:28 PM]

**REFERRED TO THE COMMITTEE ON COMMUNITY PRESERVATION**

Appointment by His Honor the Mayor

- #241-09 MICHAEL CLARKE, 38 Halcyon Rd., Newton, MA, appointed as a member of THE COMMUNITY PRESERVATION COMMITTEE for a term to expire on August 1, 2012 (60 days: 10/09/09) [06/29/09 @ 12:17 PM]