

## DOCKET

September 9: Programs & Services; PS&T; Public Facilities  
September 14: Finance; Zoning & Planning  
September 15: Land Use (Cancelled)

Continued  
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Tuesday, September 8, 2009  
Newton City Hall  
To be reported on  
**Monday, September 21, 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

#108-08(2) SSG DEVELOPMENT, LLC petition for a one-year EXTENSION of TIME in which to EXERCISE Special Permit/Site Plan Approval #108-08, granted on 5/18/08 to construct a 4-story self-storage facility at 0 LEXINGTON STREET, Ward 4, on approximately 14,242 sf of land in a district zoned BUSINESS 2, with the remaining 49,242 square feet located in the City of Waltham, for which approval is pending; said extension will run from May 18, 2009 to May 18, 2010.

***Public Hearings to be assigned for October 6, 2009:***

#242-09 PANERA, LLC/LINEAR RETAIL NEWTON #1, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION of a NONCONFORMING STRUCTURE for a restaurant in excess of 50 seats and a parking waiver of 25 spaces at 1239-1243 CENTRE STREET, Ward 6, NEWTON CENTRE, on land known as Sec 64, Blk 28, Lots 21 and 24, containing approximately 11,860 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-19(m), 30-11(d)(9) of the City of Newton Rev Zoning Ord, 2007.

#243-09 RIVERSIDE PROJECT, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to convert a portion of interior space to a health club or like establishment with a parking waiver of 73 spaces at 275 GROVE STREET, Ward 4, AUBURNDALE, on land known as Sec 43, Blk 29, Lot 24, containing approx 487,578 sf of land in a district zoned BUSINESS 4. Ref: Sec 30-24, 30-23, 30-19(d(2)1), 30-19(m), of the City of Newton Rev Zoning Ord, 2007 and special permit #40-97(2).

- #244-09      S. R. WEINER ASSOCIATES INC./CHESTNUT HILL SHOPPING CENTER, LLC/C&R REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NONCONFORMING USE for a restaurant in excess of 50 seats; to increase the number of seats in two existing legal nonconforming restaurants currently having in excess of 50 seats; to convert a portion of retail space in the new Star Market from retail to three restaurants with an associated waiver of 109 parking spaces at 1-27; 33-35 BOYLSTON STREET, Ward 7, CHESTNUT HILL, on land known as Sec 63, Blk 37, Lot 25, 26, 27, 18A, containing approx 767,306 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-11(d)(19), 30-19(d), 30-19M) of the City of Newton Rev Zoning Ord, 2007 and Special Permit nos. 401-03, 317-03, 317-03(6).
- #245-09      SEAN & CINDY ROCHE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION of NONCONFORMING STRUCTURE to demolish an existing one-story sunroom and replace it with a two-story addition at 42 DANIEL STREET, Ward 6, NEWTON CENTRE, on land known as Sec 62, Blk 25, Lot 7, containing approx 5,330 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-21(a)(2)(b), 30-21(b), and 30-15 Table 1.
- #246-09      DOWN UNDER YOGA, LLC/J. ROBERT CASEY, TRUSTEE OF NEWTONVILLE AVENUE REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a parking waiver of 8 stalls in order to locate a yoga studio at 304-306 WALNUT STREET, Ward 2, NEWTONVILLE, on land known as Sec 22, Blk 5, Lot 33, zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-19(m) of the City of Newton Rev Zoning Ord, 2007.
- #247-09      RICHARD SEVERINI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing single-family dwelling and construct a new single-family dwelling, increasing the FAR from .411 to .426, and to construct a retaining wall greater than 4 feet within the front setback at 23 HOWE ROAD, Ward 8, NEWTON CENTRE on land known as Sec 81, Blk 11A, Lot 37, containing approx 6,591 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15 Table 1, 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.

**REFERRED TO ZONING & PLANNING COMMITTEE**

Appointment by His Honor the Mayor

- #248-09      JANE SENDER, 47 Kingswood Road, Auburndale, appointed as an *alternate* member of the NEWTON CONSERVATION COMMISSION for a term to expire April 30, 2012 (60 days: 11/7/09)

**OTHER COMMUNICATIONS**

#249-09 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 56 Ramsdell Street, Newton Highlands.

#250-09 ALD. LINSKY, ALBRIGHT, JOHNSON offering a TESTIMONIAL RESOLUTION to the NEWTON CENTRAL LITTLE LEAGUE 2009 ALL STAR TEAM that for the first time ever swept four games to become District 10 Champions - emerging as Massachusetts Section 3 Champions - participating in the State Final Four and emerging as finalists, finishing second in the Massachusetts division of the Little League World Services tournament, while compiling more than 30 consecutive scoreless innings pitched, including 5 consecutive complete-game shutouts.

**LATERAL CROSSING**

#251-09 NSTAR ELECTRIC COMPANY requesting a grant of location to install 120' ± of conduit in BEACON STREET easterly approximately 15' southeast of Centre Street.

**APPROVED BY COMMISSIONER OF PUBLIC WORKS**

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

#252-09 ZBA #11-09 JOSEPH & ANTONIO DEODATO petition for variances from the lot area requirement and the lot area per dwelling unit requirement for each of two dwelling units of a proposed two-family house at 5-7 Omar Terrace (formerly 69 Central Avenue), Newtonville.  
**VARIANCES APPROVED**

**REFERRED TO PROGRAMS & SERVICES COMMITTEE**

Appointment by His Honor the Mayor

#253-09 JULIA FELDMAN, 49 Commonwealth Park West, Newton Centre, appointed as a member of the Advisory Council of Health and Human Services for a term to expire August 1, 2012. (60 days 11/7/09) [08/07/09 @ 2:23 PM]

Appointment by His Honor the Mayor

#254-09 LYNNE SULLIVAN, 74 Fountain Street, West Newton, appointed as a Trustee of the Newton History Museum at the Jackson Homestead for a term to expire February 1, 2010. (60 days 11/7/09) [08/07/09 @ 2:23 PM]

Re-appointment by His Honor the Mayor

#255-09 JOHN MORGANTI, 26 Lewis Street, Newton, re-appointed as a Trustee of the Newton History Museum at the Jackson Homestead for a term to expire February 1, 2012. (60 days 11/7/09) [08/11/09 @ 11:03 AM]

Re-appointment by His Honor the Mayor

#256-09 CAROL ANN SHEA, 324 Walnut Street, Newtonville, re-appointed as a Trustee of the Newton History Museum at the Jackson Homestead for a term to expire July 1, 2012. (60 days 11/7/09) [08/07/09 @ 2:23 PM]

Re-appointment by His Honor the Mayor

#257-09 LANE SOFMAN, 336 Lexington Street, Auburndale, re-appointed as a Trustee of the Horace Cousens Industrial Fund for a term to expire June 1, 2012. (60 days 11/7/09) [08/07/09 @ 2:23 PM]

#258-09 CLERK OF THE BOARD requesting that Article II, Section 2A(1)B(1), **Procedures regarding Board action on traffic and parking petitions** and Article V, Section 3, **Procedures for referral and reporting of traffic and parking petitions**, of the Rules of the Board, be amended to reflect the procedures as outline in Ordinance Z-12, passed on December 7, 2007. [08/06/09 @ 3:12 PM]

#259-09 ALD. LINSKY requesting placement of a non-binding referendum on the November 3, 2009 general election ballot, in accordance with the provisions of MGL Chapter 53, Section 18A, relative to support of the resolution approved by the U.S. Conference of Mayors calling on the President to commence negotiations on a verifiable treaty for the elimination of nuclear weapons. [09/01/09 @ 4:30 PM]

#260-09 ALD. PARKER, HESS-MAHAN, SANGIOLO, FISCHMAN, LENNON, SCHNIPPER, YATES, HARNEY proposing a RESOLUTION that the City of Newton join with over 1300 communities state- and nation-wide to designate May 1 as *Silver Star Banner Day* to honor our wounded and ill military veterans. [09/01/09 @ 7:45 pm]

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

#261-09 ALD. JOHNSON requesting a review of the City of Newton Ordinances Chapter 24, Sections 26–34 Alarm System Regulations to more clearly express the fines and penalties to residential and commercial property owners for false alarms. [08/19/09 @ 9:53 AM]

- #262-09 ALD. BRANDEL & LINSKY requesting an analysis by the city traffic engineer and traffic planner of a phase-out of the City's manual parking meter system and replacement with an automated metering and collection system, including the cost implications of such a change. [08/10/09 @ 8:37 AM]
- #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]
- #264-09 ALD. HESS-MAHAN proposing to amend Sections 19-166, 19-219 and 26-16 of the Revised Ordinances to allow certain two wheel vehicles, including motorized vehicles that must register as limited use vehicles pursuant to the MGL ch. 90 as amended by Chapter 523 of the Acts of 2008, to continue to park on sidewalks. [09/01/09 @ 11:40 AM]

**REFERRED TO FINANCE COMMITTEE**

***Public Hearing to be re-assigned from September 28 to Wednesday, September 30, 2009:***

- #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]

Re-appointment by His Honor the Mayor

- #265-09 BERNARD J. GOULDING, JR., 80 Brookside Avenue, Newtonville, re-appointed as a Constable for a term to expire July 1, 2012. [08/07/09 @ 2:23 PM]
- #266-09 HIS HONOR THE MAYOR requesting authorization to establish and expend from a revolving fund of up to fifty thousand dollars (\$50,000) funds anticipated from the Centers for Disease Control and Prevention for H1N1 influenza control. [08/31/09 @ 9:41 AM]
- #266-09(2) HIS HONOR THE MAYOR in accordance with Section 2-9 of the Newton City Charter declaring docket item #266-09 to be an emergency measure, necessary to protect the health and safety of the people and property of the City of Newton. [08/31/09 @ 9:41 AM]
- #267-09 HIS HONOR THE MAYOR requesting a transfer of three thousand dollars (\$3,000) from payroll account in Purchasing Department to temporary help. This transfer will allow the Purchasing Department to temporarily hire a retiring school department employee while two staff are

on maternity leave over the remainder of the calendar year. [08/31/09 @ 9:40 AM]

#268-09 HIS HONOR THE MAYOR requesting authorization to accept and expend two grants to the Senior Services Department. The first grant is fifty-five thousand dollars (\$55,000) to provide case management, housing relocation and stabilization services as awarded by the Planning Department of the Jewish Family and Children Services as the lead agency. The second grant is a Title III Federal grant provided by Springwell of eight thousand dollars (\$8,000) to provide Home Contractor Referral Services. [08/31/09 @ 9:40 AM]

#269-09 COMPTROLLER submitting FY2009 Budgetary Basis Annual Financial Report. [09/01/09 @ 4:45 PM]

#270-09 HIS HONOR THE MAYOR requesting acceptance of a contribution of two hundred thousand dollars (\$200,000). First, one hundred thousand dollars (\$100,000) from Newton Girls Soccer and second, one hundred thousand dollars (\$100,000) from Newton Youth Soccer, and authorization to expend two hundred thousand (\$200,000) with the terms of a Deed of Gift dated July 27, 2009 for the purpose of maintenance, refurbishment and replacement of the fields currently under construction at Newton South High School. [09/01/09 @ 1:44 PM].

**REFERRED TO PUB. SAFETY & TRANS. AND FINANCE COMMITTEES**

#271-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend five hundred thousand dollars (\$500,000) from bonded indebtedness for the purpose of purchasing a fire engine. [08/31/09 @ 2:55 PM]