



RECEIVED
By City Clerk's Office at 4:21 pm, Dec 28, 2017

POSTED
City Clerk

City Council Docket

Jan. 3: Public Facilities
Jan. 8: Zoning & Planning; Finance
Jan. 9: Land Use

Continued
Page 2
Monday, January 1, 2018
12:00 PM, Newton City Hall
To be reported on
Tuesday, January 16, 2018

City of Newton In City Council to be Accepted and Referred to Committees

Referred to Land Use Committee

- #8-18** **Class 1 Auto Dealer License**
VILLAGE MOTORS GROUP, INC. D/B/A HONDA VILLAGE
371 Washington Street
Newton, MA. 02458
- #9-18** **Class 1 Auto Dealer License**
FLAHERTY EQUIPMENT SALES CORPORATION
846 Walnut Street
Newton, MA. 02459
- #10-18** **Class 1 Auto Dealer License**
NEWTON CENTRE SHELL
1365 Centre Street
Newton, MA. 02459
- #11-18** **Class 1 Auto Dealer License**
MMAG RETAIL HOLDINGS – CJ LLC. D/B/A MCGOVERN CHRYSLER JEEP DODGE RAM
777 Washington Street
Newton, MA. 02460
- #12-18** **Class 2 Auto Dealer License**
NEW ENGLAND MOTOR MART, INC.
1231-2 Washington Street
West Newton, MA. 02465

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, *please contact Jini Fairley, at least two days in advance of the meeting: jfairley@newtonma.gov, or 617-796-1253. For Telecommunications Relay Service dial 711.*

- #13-18** **Class 2 Auto Dealer License**
KC AUTO
55 Farwell Street Apt. 13
Newton, MA. 02460
- #14-18** **Class 2 Auto Dealer License**
JACOBS AUTO SERVICE
HUSSEM JACOB/JACOB & ASSOCIATES
1232 Washington Street
Newton, MA. 02465
- #15-18** **Class 2 Auto Dealer License**
MOTORCARS OF BOSTON, INC.
1191 Washington Street
Newton, MA. 02465
- #16-18** **Class 3 Auto Dealer License**
SCHIAVONE BROTHERS, INC.
16 MAGUIRE COURT
Newton, MA. 02458
- #17-18** **Class 3 Auto Dealer License**
ECHO BRIDGE SALVAGE CO.
16 MAGUIRE COURT
Newton, MA. 02458

Public Hearing to be assigned for January 9, 2018

- #18-18** **Special Permit Petition to allow oversized dormer at 165 Harvard Street**
DIEGO TEBALDI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow dormer greater than 50% of the exterior wall below it at 165 Harvard Street, Ward 2, Newtonville, on land known as Section 22, Block 23, Lot 2, containing approximately 9,273 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 1.5.4.G.2, 1.5.4.G.2.b of the City of Newton Rev Zoning Ord, 2015.

Public Hearing to be assigned for January 9, 2018

- #19-18** **Special Permit Petition to extend non-conforming use at 307-309 Lexington Street**
LESVOS PROPERTIES LLC./MARIA BANIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the non-conforming use to allow reconfiguration of the existing two-family dwelling into one unit and adding a second two-story attached dwelling unit at 307-309 Lexington Street, Ward 4, Auburndale, on land known as Section 41, Block 30, Lot 36 and Section 41, Block 30, Lot 37, containing

approximately 15,216 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing to be assigned for January 9, 2018

#20-18 **Special Permit Petition to extend non-conforming commercial use at 203 Elliot St**
BRICE BEN HOBBS AND REBECCA BELLA WANGH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the non-conforming commercial use, extend the non-conforming front setback, extend the non-conforming side setback and exceeding the maximum FAR by extending the commercial use from retail to an art studio and constructing a second floor residence at 203 Elliot Street, Ward 5, Newton Upper Falls, on land known as Section 51, Block 18, Lot 4, containing approximately 4,164 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.1.4, 7.8.2.C.2, 3.2.3, 3.2.11 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing to be assigned for January 9, 2018

#21-18 **Special Permit Petition to exceed FAR at 43 Fisher Avenue**
DOUGLAS WHITAKER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a first floor kitchen and mudroom and second floor bedroom and bath after razing the existing first floor bump out, creating an FAR of .47 where .44 is allowed and .40 exists at 43 Fisher Avenue, Ward 6, Newton Highlands, on land known as Section 52 Block 13 Lot 06, containing approximately 7,430 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9.A.2 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing to be assigned for January 9, 2018

#22-18 **Special Permit Petition to allow oversized dormer and office at 9 Crofton Road**
JOSEPH AND KELLY ROGERS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the second level of an existing detached garage structure for home business office use and construct a dormer greater than 50% of the wall below it, on the detached garage structure at 9 Crofton Road, Ward 5, Waban, on land known as Section 55, Block 14, Lot 13, containing approximately 38,197 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 1.5.4.G.2, 1.5.4.G.2.b, 6.7.3.B.1.k.iv of the City of Newton Rev Zoning Ord, 2015.

Public Hearing to be assigned for January 23, 2018

#23-18 **Special Permit Petition to allow three-unit multi-family at 19-21 Orchard Street**
DAVID OLIVERI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow for a three-unit multi-family dwelling with basement level garage in excess of 700 sq. ft. and waivers to allow parking in the front setback, a driveway width in excess of 20', reduced parking stall depth and a retaining wall greater than 4' in a setback at 19-21 Orchard Street, Ward 1, Newton, on land known as Section 71 Block 16 Lot 1, containing approximately 12,320 sq. ft. of land in a district zoned MULTI RESIDENCE

2. Ref: 7.3.3, 7.4, 3.4.1, 3.4.2.C.1, 5.1.13, 5.1.7.B.2, 5.1.7.A, 5.1.7.C, 5.4.2.B of the City of Newton Rev Zoning Ord, 2015.

Public Hearing to be assigned for January 23, 2018

#24-18

Special Permit Petition to extend nonconforming use at 4-6 Middle Street

ALFREDO CEDRONE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the nonconforming three-family use to allow four units, legalize noncompliant lot area per unit, waive perimeter screening requirements, waive lighting and surface requirements, to allow tandem parking, parking within the side setback, reduced aisle and driveway known as Section 12, Block 1, Lot 15, containing approximately 11,297 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.2.6, 5.1.8.A.1, 5.1.13, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.D.1, 5.1.8.E.1, 5.1.9, 5.1.10 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing to be assigned for January 23, 2018

#25-18

Special Permit Petition to increase non-conforming FAR at 45 Beethoven Ave

MATTHEW AND MICHELLE ZISOW petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single story rear addition extending the nonconforming FAR to .43 where .35 is allowed and .41 exists at 45 Beethoven Avenue, Ward 5, Waban, on land known as Section 53, Block, 15, Lot 29, containing approximately 15,000 sq. ft. of land in a district zoned SINGLE RESEIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing to be assigned for January 23, 2018

#26-18

Special Permit Petition to allow attached dwellings at 20 Dale St/19 Simpson Terr

SCOTT ROSS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition, creating two attached dwelling units, allowing waivers to the lot area requirements and lot area per unit requirements, to reduce the side setback requirement, to reduce the lot coverage requirement, to allow a driveway within 10' of a side lot line and to allow parking within 20' of a side lot line at 20 Dale Street/19 Simpson Terrace, Ward 2, Newtonville, on land known as Section 22, Block 14, Lot 03, containing approximately 5,968 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.2.4, 6.2.3.B.2 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing to be assigned for January 23, 2018

#27-18

Special Permit Petition to extend non-conforming lot coverage at 1771 Washington St

HENSON AND SANDY TSAO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story addition with family room and master bedroom, decreasing the existing non-conforming lot coverage at 1771 Washington Street, Ward 4, Auburndale, on land known as Section 43, Block 39, Lot 10, containing

approximately 15,021 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

Other Communications

ZBA Application for Comprehensive Permit at 236 Auburn Street

JENNIFER VAN CAMPEN, EXECUTIVE DIRECTOR OF CAN-DO and JUSTIN SALLOWAY, PRESIDENT OF THE PRICE CENTER petitioning for a comprehensive permit pursuant to MGL c. 40B §20 through 23 to renovate an existing single-family dwelling and construct a new two-family dwelling and one five-bedroom single-family congregate home for developmentally disable adults at 236 Auburn Street. The property is located within the Multi Residence 1 zoning district and is 18,726' ± with 111' of frontage.

- #305-17(2) Appeal of approval of Special Permit #305-17 for 18, 22 & 26 Goddard Street**
PITSICK LLC filing in Land Court on December 12, 2017 an appeal of Decision #305-17 of the Newton City Council granting a special permit and site plan approval to Pitsick, LLC to allow a build factor of 28.08 on the lot at 26 Goddard Street in order to create two single-family lots.
- #48-16 Judgement of dismissal for 255-257 Newtonville Ave filed 11/29/17**
SCHLESINGER AND BUCHBINDER, LLP filing a notice of dismissal pursuant to Mass R. Civ.P. 12(b) re special permit 48-16 granted on July 11, 2016 to Storage Development Partners, LLC and Norcross Trust.
- #28-18 Submittal of Annual Financial Report**
COMPTROLLER transmitting the Budgetary Basis Annual Financial Report for fiscal year ending June 30, 2017 to the City Council.

Referred to Zoning & Planning Committee

- #29-18 Acceptance of MGL regarding cooking facilities in lodging houses**
COUNCILORS CROSSLEY, ALBRIGHT, NORTON, DANBERG, LEARY, KALIS AND BAKER requesting acceptance of MGL Chapter 140, Section 22A to allow lodging houses to include limited cooking facilities in rooming units.
- #30-18 Zoning ordinance amendment regarding lodging houses**
COUNCILORS CROSSLEY, ALBRIGHT, NORTON, DANBERG, LEARY, KALIS AND BAKER requesting to amend Chapter 30, City of Newton Ordinances, to include a "lodging house" ordinance to promulgate standards for new buildings and developments that would provide congregate living arrangements and/or single room occupancy.

Referred to Programs & Services Committee

- #31-18** **Discussion regarding enforcement of leaf blower ordinance**
COUNCILOR COTE requesting a discussion regarding the enforcement of the leaf blower ordinance including considering excluding the Police Department from enforcement and placing that authority with the Inspectional Services Department only.
- #32-18** **Ordinance amendment for registering lobbyists**
COUNCILORS COTE AND NORTON requesting to amend Chapter 4, Section 3 of the Newton City Ordinances to provide additional requirements for registering lobbyists.
- #33-18** **Ordinance amendment regarding City seal**
CITY CLERK requesting to amend Chapter 1, Section 8 of the Newton City Ordinances regarding the use of the City seal.

Referred to Programs & Services and Land Use Committees

- #34-18** **Rules amendment regarding time restrictions for filing special permits**
CITY CLERK requesting to amend the Rules and Orders of the Newton City Council regarding time restrictions for special permit applications to state that the City Clerk shall not accept for filing a completed application for a proposed project after the second Monday in September through November 15th, during the last year of any term of the City Council.

Referred to Public Safety & Transportation Committee

- #35-18** **Discussion to improve access and service at three Newton purple line stations**
COUNCILORS ALBRIGHT, AUCHINCLOSS, NORTON, BROUSAL-GLAZSER, COTE, KELLEY, MARKIEWICZ, and KRINTZMAN requesting discussion with the Massachusetts Department of Transportation, the Mayor, Representative Khan and non-governmental experts regarding the three Worcester line stops in Newton concerning how to improve access and service. The discussion should include considerations for public/private partnership(s) to improve access and a plan to pursue such partnership.
- #36-18** **Appeal of Traffic Council Decision #84-17 Fairway Drive**
DOUGLAS L. JONES, 81 Waban Avenue, Waban appealing the portion of the approval of Traffic Council Petition TC84-17 applicable to 81 through 113 Waban Avenue. The residents would like amended relief on the north side of Waban Avenue directly in front of 81 to 113 Waban Avenue by designating that section either 1) 2-hour parking, 9 AM to 5PM, Monday through Friday or 2) No Parking School Days, 8 AM to 4 PM except for residents and service vehicles.

- #37-18 Discussion on how community policing works**
COUNCILOR ALBRIGHT requesting a discussion with the Chief of Police and/or members of his department to explain to the City Council how “community policing” works in Newton, how it differs from traditional policing, how staffing differs from traditional departments, and how it benefits Newton.
- #38-18 Amend overtime parking ordinance**
TRANSPORTATION COORDINATOR requesting an ordinance amendment to Chapter 19, Section 190 Overtime parking. to clarify the language and improve enforcement.
- #39-18 Submittal of the Traffic Council’s annual report**
CHAIR OF THE TRAFFIC COUNCIL submitting the Annual Report of the work of the Traffic Council for 2017.

Referred To Public Facilities Committee

- #40-18 Inspection of private sewer lines and storm water drainage connections**
COUNCILOR CROSSLEY requesting an ordinance to require inspections of private sewer lines and storm water drainage connections prior to settling a change in property ownership, to assure that private sewer lines are functioning properly and that there are no illegal storm water connections to the city sewer mains.
A) Sewer lines found to be compromised or of inferior construction would have to be repaired or replaced as a condition of sale;
B) Illegal connections would have to be removed, corrected, and re-inspected in accordance with current city ordinances and codes, as a condition of sale.
- #41-18 Review of City code governing petitions for wireless communications**
COUNCILORS CROSSLEY, ALBRIGHT AND LAPPIN requesting a review of proposed City Code Sec. 23-20, authorizing the adoption of City Council regulations governing petitions for permission to install wireless communications facilities and new poles proposed for wireless communications use in the public ways of the City. Such rules would cover petitions that are subject to review under G.L. c. 166, §22 and 47 U.S.C. §332(c) (7) and petitions that are subject to limited review under 47 U.S.C. §1455 (“Eligible Facilities Requests”).
- #42-18 Review of City Council regulations governing petitions for wireless communications**
COUNCILORS CROSSLEY, ALBRIGHT AND LAPPIN requesting a review of proposed City Council regulations pursuant to City Code Sec. 23-20, governing petitions for permission to install wireless communications facilities and new poles proposed for wireless communications use in the public ways of the City. Such rules would cover petitions that are subject to review under G.L. c. 166, §22 and 47 U.S.C. §332(c) (7)

and petitions that are subject to review under 47 U.S.C. §1455 (“Eligible Facilities Requests”).

- #43-18** **Proposed amendments to Sec. 5-54 through 5-58 of the Ordinances**
COUNCILORS CROSSLEY AND ALBRIGHT requesting revisions to Sections 5-54 through 5-58 of the City of Newton Ordinances to clarify the City Council’s role and decision-making process with respect to design review, funding, and budget oversight during the construction process of municipal capital building projects; in particular, to better align City Council decisions with typical steps in the design development process, and where applicable, with Massachusetts School Building Authority (MSBA) and other state requirements.

- #44-18** **Review/ Update Double Pole compliance**
COUNCILORS ALBRIGHT, DANBERG, & LAREDO requesting an update from the Double Poles Working Group on the work of the group and the status of removing double poles and cataloguing and assigning responsibilities for transfer of utility and city wires.

- #45-18** **Request for updates on Newton Power Program**
PUBLIC FACILITIES COMMITTEE requesting updates from the Director of Sustainability and the Administration on the development of a program, known as Newton Power Choice, to aggregate the electricity supply and provide clean energy power options to Newton electric customers.

- #46-18** **Discussion with DPW regarding sewer extension billing**
COUNCILOR GENTILE requesting a discussion on how the City currently bills residents for sewer extensions.

- #47-18** **Discussion with DPW to consider amend Ordinance for street reconstruction**
COUNCILORS CROSSLEY, LAREDO & LAPPIN requesting a discussion with the Commissioner of Public Works, to review city policy and/or ordinances governing repairs to city streets within a period of years after full reclamation and/or milling and repaving of said streets, and to consider strengthening the requirements for repairs so as to protect the public investment in said streets.

- #48-18** **Update on the Cabot School construction**
PUBLIC FACILITIES COMMITTEE requesting periodic updates on the Cabot Elementary School Project.

- #49-18** **Updates on the Accelerated Roads Program**
PUBLIC FACILITIES COMMITTEE requesting periodic updates on the Accelerated Roads Program. [08/28/2017 @3:13 PM]

Public Hearing to be assigned

- #50-18** **5-58 for the Crescent Street Housing and Ford Playground Redevelopment Project**
COUNCILOR GENTILE on behalf of the CRESCENT STREET WORKING GROUP redocketing the DESIGN REVIEW COMMITTEE petition, pursuant to 5-58, for schematic design and site plan approval at 70 Crescent Street for the creation of mixed-use housing, redevelopment of the Reverend Ford Playground and expand open space by at least 20,000 square feet in accordance with Board Order #384-11(4) dated November 16, 2015.

Referred to Public Safety and Transportation and Public Facilities Committees

- #51-18** **West Newton Square Enhancements Project**
COMMISSIONER OF PUBLIC WORKS, DIRECTOR OF PLANNING & DEVELOPMENT and COUNCILORS COTE, KELLEY, & BROUSAL-GLASER requesting approval pursuant to §26-51 of the City of Newton Ordinances for the West Newton Square Enhancements Project on Washington Street running approximately from Chestnut Street to Lucas Court.

Referred to Public Facilities and Public Safety and Transportation Committees

- #52-18** **Discussion/ Review on the Street Design Guide**
COUNCILORS CROSSLEY AND ALBRIGHT requesting a discussion and review of the Street Design Guide, and how it will inform the Accelerated Roads Program.

Referred to Programs & Services and Public Facilities Committees

- #53-18** **Request for updates on the Library Renovation Project**
COUNCILORS CROSSLEY AND ALBRIGHT requesting periodic updates from the Library Trustees and Library Director on the Library expansion project.

Referred to Programs & Services and Public Facilities Committees

- #54-18** **Discussion on tracking and improving the condition of the gas utility infrastructure**
COUNCILORS BROUSAL-GLASER, COTE, CROSSLEY, NORTON AND ALBRIGHT requesting a discussion with the Director of Urban Forestry, Sustainability Director, Public Works and Law Departments to define a method/ system of tracking leaks and coordinating rehabilitation of gas utility infrastructure in Newton, to accommodate city road work and operations, new state statutes governing infrastructure repairs, and the possibility of creating a utilities working group to monitor progress on these and related issues.

Referred to Programs & Services and Public Facilities Committees

- #55-18** **Discussion regarding oversight of all city/school buildings to improve efficiencies**
COUNCILOR LAPPIN requesting a discussion regarding the Public Buildings Department overseeing all public buildings, including School Department facilities, to improve efficiencies.

Referred to Programs & Services and Public Facilities Committees

- #56-18** **Updates from the Administration on the renovations at the Aquinas site**
PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEES requesting that the School Department and/or Executive Department provide updates on removal of asbestos and other toxic materials that were identified at the Aquinas site, the scope and timing of window replacement in particular, and renovations that may be necessary to facilitate short and long-term plans for uses and operations at the site.

Referred to Finance Committee

- #57-18** **Review/Acceptance of the FY 2019 – FY 2023 5-year Financial Forecast**
HIS HONOR THE MAYOR submitting the Fiscal Years 2019 to 2023 5-Year Financial Forecast for City Council review/acceptance.
- #58-18** **CPA funding request for \$60,000 to repair a fence at Newton Cemetery**
COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of sixty thousand dollars (\$60,000) from the Community Preservation Fund's historic resources budget reserve and fund balance to the Planning & Development Department for a grant to the Newton Cemetery to restore and rehabilitate the Whipple-Beal cast iron fence, as described in the proposal submitted to the Community Preservation Committee in September 2017.

Referred to Programs & Services, Zoning & Planning and Finance Committees

- #59-18** **Ordinance amendment for licensing and criteria for lodging houses**
COUNCILORS CROSSLEY, ALBRIGHT, NORTON, DANBERG, LEARY, KALIS, AND BAKER requesting amendments to Chapters 17 and 20 of the City of Newton Ordinances to establish criteria, licensing requirements, and fees for lodging house owners and resident supervising agents.

Referred to Public Facilities and Finance Committees

- #60-18** **Review of filing fee for grant of location petitions**
COUNCILORS CROSSLEY, ALBRIGHT AND LAPPIN requesting a review of proposed amendment to City Code Sec. 17-3(19), governing filing fee(s) for grant of location petitions for placement of wireless communications facilities and poles constructed primarily for wireless communications purposes

Referred to Public Facilities and Finance Committees

#61-18

Discussion on the process of licensing the use of city buildings

COUNCILOR LAREDO requesting a discussion of the process of licensing the current and future use of city building, including: (a) how licensees may request the use of city buildings; (b) the process for determining which licensees will get the use of city buildings; (c) how the fees for the use of city buildings are set; and (d) how the current process compares to the process for permitting the use of school buildings

Public Facilities and Finance Committees

#62-18

Licensing agreement for wireless carriers to install equipment on city poles

COUNCILORS CROSSLEY, ALBRIGHT AND LAPPIN requesting a discussion with the administration regarding possible licensing agreements with wireless carriers, and to create a policy and to develop and adopt a uniform license agreement for wireless carriers to install wireless communication devices on city-owned poles in the public way.

Referred to Finance and Appropriate Committees

#63-18

Submittal of the FY 2019 to FY 2023 Capital Improvement Plan

HIS HONOR THE MAYOR submitting the Fiscal Years 2019 to 2023 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter.