



## City Council Reports Docket

**RECEIVED**  
By City Clerk at 3:49 pm, Sep 27, 2018

Sept 20: Land Use  
Sept 24: Zoning & Planning, Finance  
Sept 25: Land Use

Monday, September 17, 2018  
Continued  
Page 239  
7:45 PM, Newton City Hall  
To be reported on  
Monday, October 1, 2018

### City of Newton In City Council Items to be Acted Upon

#### Unfinished Council Business

Item postponed on September 24, 2018 to a date certain of October 1, 2018:

**#289-18 Special Permit Petition to amend Board Order #167-14 for Garden Remedies**

GARDEN REMEDIES, INC/697 WASHINGTON STREET REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #167-14 to allow the retail sale of recreational marijuana and medical marijuana, to delete Condition #3 relative to customer appointments, to amend Condition #4 to allow up to 12 employees at one time, to amend Condition #5 to modify the hours of operation, to expand the premises to include additional space, to allow waivers to perimeter screening requirements, to allow waivers to interior landscaping requirements, to allow waivers for parking facility requirements for; parking in the front setback, waivers to interior landscaping, waivers for interior planting area requirements, waivers to requirements for tree planting, waivers to requirements for bumper overhang area landscaping, waivers to requirements for 1-foot candle lighting, waivers for retaining walls over 4' in height and a waiver for 5 parking stalls to the extent necessary in Ward 2, Newton at 697 Washington Street (Section 23 Block 19 Lot 01B), 691 Washington Street (Section 23 Block 19 Lot 01A), 681 Washington Street (Section 23 Block 19 Lot 01) and 2 Court Street (Section 23 Block 19 Lot 23), containing approximately 16,669 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 5.1.8.A.1, 5.1.13, 5.1.9.A, 5.1.9.B, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.4.2.B of the City of Newton Rev Zoning Ord, 2015.

**Land Use Approved 3-1-3 (Auchincloss Opposed, Kelley, Laredo, Markiewicz abstaining, Lipof Recused) on 08/07/18; Public Hearing Closed June 26; Extension of Time on which to Act from September 24, 2018 to October 19, 2018 approved on 09/24/18**

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

**Referred to Land Use Committee**

Thursday, September 20, 2018

Present: Councilors Crossley (Acting Chair), Greenberg, Auchincloss, Kelley, Markiewicz, Laredo; also Present: Councilors Albright, Baker, Grossman; absent: Councilors Lipof, Schwartz

- #198-18      President’s Appointment of Hynrich Wieschhoff to the Kessler Liaison Committee**  
PRESIDENT LAREDO appointing Hynrich Wieschhoff, 140 Vine Street, Chestnut Hill as a member of the Kessler Woods Liaison Committee for a term to expire December 31, 2019.  
**Land Use Voted No Action Necessary 5-0 (Laredo not Voting)**
  
- #199-18      President’s Appointment of Barbara Sird to the Kessler Liaison Committee**  
PRESIDENT LAREDO appointing Barbara Sird, 125 Pond Brook Road, Chestnut Hill as a member of the Kessler Woods Liaison Committee for a term to expire December 31, 2019.  
**Land Use Voted No Action Necessary 5-0 (Laredo not Voting)**
  
- #252-18      President’s Appointment of Marilyn Wolman to the Kessler Liaison Committee**  
PRESIDENT LAREDO appointing Marilyn Wolman, 47 Rangeley Road, Chestnut Hill/Brookline, as a member of the Kessler Woods Liaison Committee for a term to expire December 31, 2019.  
**Land Use Voted No Action Necessary 5-0 (Laredo not Voting)**
  
- #358-18      Appointment of Karine Alexander to the Boston College Neighborhood Council**  
PRESIDENT LAREDO appointing KARINE ALEXANDER, 107 Monadnock Road, Chestnut Hill, as a member of the BOSTON COLLEGE NEIGHBORHOOD COUNCIL for a term to expire December 31, 2019.  
**Land Use Approved 5-0 (Laredo not Voting)**
  
- #420-18      Petition to allow multi-family dwellings at 424-432 Cherry Street**  
DENNIS CAMERON/CRM MANAGEMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert an existing single-family dwelling to a three-story, six residential unit building with ground floor units, to construct a second three-story, three residential unit building with ground floor units, to allow a reduction in the parking requirements to 1.25 per dwelling unit, to allow parking within 5’ of a building with residential units, to allow a reduction in the minimum stall width, to waive perimeter landscape screening requirements and to waive lighting requirements in Ward 3, West Newton, at 424-432 Cherry Street, Section 33 Block 11 Lot 2, containing approximately 14,204 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 4.1.3, 5.1.4.A, 5.1.13, 5.1.8.A.2, 5.1.8.B.1, 5.1.9.A, 5.1.10.A of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Postponed to October 23, 2018**
  
- #422-18      Petition to amend Special Permits to allow salon use at 148 California Street**  
UNITED PROPERTIES GROUP petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Orders #162-88, #199-99(2), and #175-12 to change the existing non-conforming restaurant use to allow a non-conforming salon use in Ward 1, Newton, at 148 California Street/171 Watertown Street, Section 11 Block 12 Lot 11, containing approximately 523,642 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 7.3.3, 7.4, 4.4.1, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 5-0 (Laredo not Voting)**

#421-18

**Special Permit to amend Special Permit for Kessler Woods**

KESSELER WOODS, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #102-06(15) at Kessler Woods to allow off-site relocation of the inclusionary zoning units as well as 24 additional units at 219 Commonwealth Avenue (Section 63 Block 08 Lot 19), containing approximately 10,347 sq. ft. of land in a district zoned MULTI RESIDENCE 1 from the approved site at 200 Estate Drive, Ward 8, on land known as Section 82 Block 37 Lot 95, containing approximately 640,847 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: 7.3, 7.4, 5.11.4, 5.11.6, 7.8.2.C of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Held 6-0**

#294-18

**Special Permit Petition to allow development at 1314 Washington and 31, 33 Davis St.**

HQ, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story addition in the BU1 district to be used for mixed uses, to allow a building in excess of 20,000 sq. ft., to extend the existing non-conforming structure with regard to height, to extend the existing non-conforming structure with regard to side setback, to allow a restaurant with more than 50 seats, to waive the requirement of using the A-B+C parking formula, to allow a reduction in the overall parking required by 1/3, to waive 27 parking stalls, to allow parking in the front and side setback, to allow reduced parking stall dimensions, to waive end stall maneuvering space requirements, to allow reduced aisle width, to waive perimeter screening requirements, to waive interior landscaping requirements, to waive requirements for interior planting area, tree planting, and bumper overhang area landscaping, to waive lighting requirements, to waive off-street loading facility requirements in Ward 3, West Newton, at 1314 Washington Street, 31 Davis Street and 33 Davis Street (Section 33 Block 10 Lots 01, 11, 12), containing approximately 30,031 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C.1, 7.8.2.C.2, 4.4.1, 6.4.29.C.1, 5.1.3.B, 5.1.13, 5.1.4, 5.1.4.C, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2, 5.1.9.A, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.1.12 of the City of Newton Rev Zoning Ord, 2015.

**Land Use Held 6-0****Referred to Land Use Committee**

Tuesday, September 25, 2018

Present: Councilors Schwartz (Chair), Lipof, Greenberg, Auchincloss, Kelley, Markiewicz, Crossley, Laredo; also Present: Councilors Albright, Grossman, Rice, Leary, Downs, Kalis

#478-18

**Request for an Extension of Time to Exercise Special Permit #361-16 at 642 Centre St**

LISA AND JOSH SCHWARZBERG petition for an EXTENSION OF TIME to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 1,087 sq. ft. two-story addition to the front of house, resulting in an FAR of .49 where .38 exists and .39 is allowed. Said EXTENSION OF TIME to run from December 19, 2017 to December 19, 2018 at 642 Centre Street, Ward 1, Newton, on land known as SBL 72035 0002, containing approximately 9,600 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Land Use Approved 8-0**

- #68-18** **Petition to allow for profit educational use at 227 Washington Street**  
EUI CHOI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit learning center in the existing day care at 227 Washington Street, Ward 1, Newton, on land known as Section 71, Block 07, Lot 01, containing approximately 5,553 sq. ft. of land in a district zoned BUSINESS 2. Ref: 7.3.3, 7.4, 4.4.1 of the City of Newton Rev Zoning Ord, 2015.  
**Land Use Approved Withdrawal without Prejudice 8-0**
- #424-18** **Petition to amend Special Permit Council Order #114-17 at 300 Boylston Street**  
ATRIUM WELLNESS CENTER II, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #114-17 by amending the Comprehensive Sign package to allow waivers to number, size, location and height of signs to the extent required in Ward 7, Chestnut Hill, at 300 Boylston Street, on land known as Section 82 Block 02 Lot 01, containing approximately 125,771 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 7-0 (Auchincloss Recused)**
- #288-18** **Special Permit Petition to allow RMD at 24-26 Elliot Street**  
CYPRESS TREE MANAGEMENT, INC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a registered medical marijuana dispensary in a non-conforming structure, to waive minimum stall dimensions, to waive minimum aisle width for two-way traffic, to waive perimeter screening requirements, to waive interior landscaping requirements, to waive requirements for interior planting, to waive requirement for interior tree planting, to waive requirements for bumper overhang area landscaping, to waive requirements for 1-foot candle lighting and to allow the RMD to be located within 500' of a school at 24-26 Elliot Street, Ward 5, Newton Highlands, on land known as Section 51 Block 25 Lot 01, containing approximately 25,320 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec 7.3.3, 7.4, 6.10.3, 6.10.3.D.1, 6.10.3.F.2, 4.1.3, 6.10.3.D.5, 7.8.1.C.1, 7.8.2.C.2, 5.1.12, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.C.2, 5.1.9.A, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1 of the City of Newton Rev Zoning Ord, 2015.  
**Land Use Approved; Public Hearing Closed 07/10/2018; Extension of Time to Act Until 10/20/2018.**
- #425-18** **Request to rezone three parcels for Northland Development**  
NEEDHAM STREET ASSOCIATES, NORTHLAND TOWER ROAD INVESTORS, NORTHLAND OAK STREET, LLC petition for a change of zone to BUSINESS USE 4 for land located at 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), currently zoned MU1.  
**Land Use Held 8-0**
- #426-18** **Special Permit to allow mixed-use development**  
NEEDHAM STREET ASSOCIATES, NORTHLAND TOWER ROAD INVESTORS, LLC, NORTHLAND OAK STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a mixed-use development greater than 20,000 sq. ft. with building heights of up to 96' consisting of 822 residential units, with ground floor residential units, with restaurants with more than 50 seats, for-profit schools and educational uses, stand-alone ATMs drive-in businesses, open air businesses, hotels, accessory multi-level parking facilities, non-accessory single-level parking

facilities, non-accessory multi-level parking facilities, places of amusement, radio or TV broadcasting studios, and lab and research facilities, to allow a waiver of 1,600 parking stalls, to allow a reduction in the overall parking requirement to not less than 1900 stalls, to waive dimensional requirements for parking stalls, to waive end stall maneuvering requirements, to allow driveway entrances and exits in excess of 25', to waive perimeter landscaping requirements, to waive interior landscaping requirements, to waive lighting requirements for parking lots, to waive general lighting, surfacing and maintenance requirements, to waive off-street loading facilities requirements, to waive sign requirements relative to number, size, location or design, to waive the number of signs allowed at 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), Newton Upper Falls, Ward 5, on 22.6 acres of land in a proposed BU4 district. Ref: Sec. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C, 5.4.2, 4.4.1, 5.1.4, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.D.2, 5.1.9.A, 5.1.9.B, 5.1.10.A.1, 5.1.10, 5.1.12, 5.1.13, 5.2, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Held 8-0**

**Referred to Zoning & Planning Committee**

Monday, September 24, 2018

Present: Councilor Albright (Chair), Leary, Brousal-Glaser, Krintzman, Downs, Danberg, Baker and Kalis; Also; Councilors Markiewicz, Kelley, Schwartz and Greenberg

**#376-18      Zoning amendment to regulate marijuana establishments**

THE PLANNING DEPARTMENT requesting amendments to the Newton Zoning Ordinance, Chapter 30, to regulate the use of land, structures and buildings for the operation of marijuana establishments; to determine in which zoning districts and under what conditions marijuana establishments will be allowed; and to establish minimum standards and criteria.

**Zoning & Planning Held 8-0**

**#408-18      Discussion and adoption of Economic Development Strategy Plan**

DIRECTOR OF PLANNING requesting discussion and adoption of the Economic Development Strategy Plan as an amendment to the 2007 Newton Comprehensive Plan.

**Zoning & Planning Held 8-0**

**Referred to Finance Committee**

Monday, September 24, 2018

Present: Councilor Gentile (Chair), Ciccone, Norton, Cote, Rice, Noel, Grossman and Lappin

**#493-18      Authorization to enter into a 5-year contract for meter currency processing services**

HER HONOR THE MAYOR requesting authorization to enter into a five-year contract for parking meter currency processing services.

**Finance Approved 7-0 (Rice not voting)**

- #343-18**      **Ordinance amendment to divest City funds from fossil fuel companies**  
COUNCILOR NORTON proposing an ordinance amendment to divest the City of direct or indirect holdings in fossil fuel companies.  
**Held 7-0 (Rice not voting)**
- #388-18**      **Review of compensation of elected, management, and non-union salaries**  
COUNCILORS COTE, LEARY, NORTON, BROUSAL-GLASER, AND KALIS requesting a change to the City of Newton Ordinances to require a formal review of the compensation of elected, management, and non-union salaries every five years.  
**Finance Approved as Amended 7-0 (Rice not voting) to send a Resolution requesting formation of a Blue Ribbon Commission to review elected officials compensation**
- #409-18**      **Report on developers' profits on 40B projects**  
COUNCILORS NORTON AND GENTILE requesting a report from the Planning & Development Department on developers profits from Chapter 40B projects in the City.  
**Finance Held 8-0**