



**RECEIVED**

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## City Council Reports Docket

June 24: Programs & Services  
June 29: Zoning & Planning  
June 30: Land Use  
July 7: Land Use  
July 9: Zoning & Planning

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7:45 PM, Virtual  
To be reported on  
Monday, July 13, 2020

The City Council will hold this meeting as a virtual Zoom meeting on Monday, July 13, 2020 at 7:45 PM. To view this meeting use this link at the above date and time:

<https://us02web.zoom.us/j/81253643049>

One tap mobile

US: +13017158592,,81253643049#

Land line

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Meeting ID: 812 5364 3049

You may also:

1. Watch a live broadcast of the meeting on NewTV's government channel (Comcast 9, RCN 13, 614(HD), Verizon 33).
2. Viewing a live stream on NewTV's Vimeo channel at: <https://vimeo.com/newtvgov>

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

#### Referred to Land Use Committee

Tuesday, June 30, 2020

Councilors Lipof (Chair), Kelley, Greenberg, Auchincloss, Markiewicz, Downs, Bowman, Laredo; also Present: Councilors Malakie, Crossley, Albright, Wright, Krintzman, Norton

#### **#26-20 Request to Rezone Approximately 4.4 acres to MU-3 to Create a Contiguous MU-3 Zone**

MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for a change of zone to Mixed Use 3/Transit Oriented District for portions of land located at 355 Grove Street (currently zoned BU-2) and 399 Grove Street (currently zoned BU-5), also identified as Section 42, Block 11, Lots 3, 4, and 4A, abutting the existing MU-3 Zone.

#### **Land Use Held 8-0; Public Hearing Continued**

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.

#27-20

**Petition to allow Mixed Use Transit Oriented Development at Riverside Station**

MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit-oriented development of residential units, office, retail, personal services, restaurant, hotel, and related commercial uses not to exceed 1,025,000 square feet of gross floor area, with residential uses comprising not less than 60% of the total gross floor area with a residential density of not less than 800 square feet per unit with not less than 560 units nor more than 620 units with special permit relief and/or waivers as follows: as to dimensional standards, a development of more than 20,000 square feet of gross floor area, building height of up to 170 feet, buildings up to 11 stories, Floor Area Ratio of up to 2.5, beneficial open space of not less than 15%, increase of height of certain buildings with the Grove Street Area Corridor (to the extent necessary), and reduction in setback from Grove Street for certain buildings within the Grove Street Corridor Area (to the extent necessary); as to design standards, waiver of the sustainable development design standards and placement of a retaining wall greater than 4 feet in height located in a setback; as to uses, for-profit educational use, retail sales of over 5,000 square feet, restaurant with more than 5,000 square feet of gross floor area, personal service use of over 5,000 square feet, place of amusement, health club on ground floor, animal services, hotel, bank up to and over 5,000 square feet, theatre/hall, laboratory/research facility, parking facility, accessory, multi-level, parking facility, non-accessory, single level; as to parking, reduction of the residential parking requirement to 1.25 stalls per unit, reduction of the overall commercial parking requirement by 1/3, and waiver of parking stalls not to exceed 685 stalls, above and beyond the reductions specified above; as to parking facilities, waivers of the parking stall dimension requirements, the end stall maneuvering space requirements, the driveway entrance and exit requirements, the 5% interior landscaping requirements, the interior planting area requirements, the tree requirements, the bumper overhang requirements, the one-foot candle lighting requirement, the parking stall striping requirements (to the extent necessary), the curbing, wheel stop, guard rail, or bollard requirements, and the number of off-street loading facilities requirements; and as to signage, waiver of the number, size, type, location, and design requirements, all at 355 and 399 GROVE STREET on land known as Section 42, Block 11, Lots 3, 4 and 4A, containing approximately 13.05 acres of land in districts zoned Mixed Use 3 Transit Oriented (MU3), BU2 (a portion to be rezoned to MU3), BU5 (to be rezoned to MU3). Ref: Sec. 4.2.2.B.1, 4.2.2.B.3, 4.2.3, 4.2.4, 4.2.4.A.4, 4.2.4.B.3, 4.2.4.G.2, 4.4.1, 5.1.4, 5.1.4.A, 5.1.4.C, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.D.1, 5.1.8.D.2, 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, 5.1.10.B.3, 5.1.10.B.5, 5.1.12, 5.1.12.B.4, 5.1.13, 5.2, 5.2.13, 5.4.2.B, 5.12, 6.4.29.C.5, 7.3.3, 7.3.5, 7.4 of the City of Newton Revised Zoning Ordinance, 2017. Additionally, as to infiltration and inflow mitigation, an abatement of the infiltration/inflow mitigation fee pursuant to Section 29-170 of the City of Newton Revised Zoning Ordinance, 2017.

**Land Use Held 8-0; Public Hearing Continued**

## **Referred to Land Use Committee**

Tuesday, July 7, 2020

Present: Councilors Lipof (Chair), Kelley, Greenberg, Auchincloss, Markiewicz, Downs, Bowman, Laredo  
also Present: Councilors Albright, Malakie, Wright, Gentile

**#262-20      Petition to allow accessory apartment and clubhouse in detached structure at 25 Paul St**

25 PAUL STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert space in an existing detached accessory structure into an accessory apartment and clubhouse, to allow an accessory apartment greater than 40% of the total habitable space of the principal structure, to allow an accessory apartment in a detached structure that does not meet principal setbacks, to allow a neighborhood clubhouse and to further extend a nonconforming detached structure greater than 700 sq. ft. at 25 Paul Street, Ward 6, Newton Centre, on land known as Section 62 Block 13 Lot 06, containing approximately 15,000 sq. ft. in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 6.7.1.E.1, 3.4.1, 6.7.1.E.2, 3.2.3, 6.7.1.E.6, 3.4.3.A.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Held 8-0; Public Hearing Continued**

**#263-20      Petition to allow relief for FAR, garage size and dormer dimensions at 43 Prince Street**

JOHN REICHENBACH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing detached garage and construct a 4,532 sq. ft. 2.5 story addition, to allow a garage in excess on 700 sq. ft., to allow a dormer that extends the second floor wall plane vertically, to allow a dormer greater than 50% of the wall plane below it, to allow a dormer within three feet of the intersection of the roofline and main building and to create an FAR of .32 where .26 is allowed and .16 exists at 43 Prince Street, Ward 3, West Newton, on land known as Section 32 Block 10 Lot 06, containing approximately 27,800 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 3.4.2.B.1, 1.5.4.G.2.a, 1.5.4.G.2.b, 1.5.4.G.2.c of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 7-0-1 (Downs abstaining); Public Hearing Closed 07/07/2020**

**#264-20      Petition to waive 2 parking stalls at 450 Lexington Street**

BROOKS STALEY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to waive two parking stalls to allow for a medical office use in the office building at 450 Lexington Street, Unit 203, Ward 4, Auburndale, on land known as Section 44 Block 25 Lot 04E, containing approximately 43,473 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 5.1.3.B, 5.1.4, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 8-0; Public Hearing Closed 07/07/2020**

**#265-20** **Petition to exceed FAR and increase nonconforming height at 351 Otis Street**  
MASSIMILIANO MENOZZI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing detached garage and construct a 1,841 sq. ft., 2.5 story addition to the existing dwelling, increasing the nonconforming height and creating an FAR of .42 where .33 is allowed and .32 exists at 351 Otis Street, Ward 3, West Newton, on land known as Section 32 Block 03 Lot 15, containing approximately 18,681 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 8-0; Public Hearing Closed 07/07/2020**

**#244-20** **Petition to amend Special Permit #105-95 to allow new units at Cabot Park**  
KRE-BSL HUSKY CABOT PARK LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #105-95 to construct a five-story addition with 18 new units and common accessory use space, extending the non-conforming structure to the extent necessary and to determine density and dimensional controls at 280 Newtonville Avenue, Ward 2, on land known as Section 22 Block 07 Lot 48, containing approximately 146,435 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.2.2.A.3, 7.8.2.C.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 8-0; Public Hearing Closed 07/07/2020**

### **Referred to Zoning & Planning Committee**

Monday, June 29, 2020

Present: Councilors Crossley (Chair), Danberg, Albright, Krintzman, Ryan, Wright, Baker, and Leary; Also Present: Councilors Bowman, Markiewicz, Laredo, Kalis, Malakie, Norton, Auchincloss, Lipof, Ciccone, Greenberg, Noel, Kelley, and Gentile

**#287-20** **Rezoning of Takings to Public Use**  
DIRECTOR OF PLANNING requesting change of zone to Public Use for portions of land located at 23 Parkview Avenue (currently MR1) acquired in 2016 for the expansion of Cabot School, and at 300 Hammond Pond Parkway, known as Webster Woods, (currently SR1) acquired in 2019 for open space use and conservation purposes.

**Zoning & Planning Held 8-0**

**#88-20** **Discussion and review relative to the draft Zoning Ordinance**  
DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.

**Zoning and Planning Held 8-0**

**#38-20** **Request for discussion relative to single-family attached dwellings**  
COUNCILOR LAREDO requesting a review of the zoning requirements for single-family attached dwelling units.

**Zoning and Planning Held 8-0**

- #148-20**      **Request to amend Chapter 30 to eliminate parking minimums**  
COUNCILORS ALBRIGHT, AUCHINCLOSS, BOWMAN, CROSSLEY, DANBERG, DOWNS, GENTILE, GREENBERG, KALIS, KELLEY, LIPOF, MARKIEWICZ, NOEL, KRINTZMAN, AND RYAN seeking amendments to Chapter of the Revised City of Newton Ordinances to eliminate mandated parking minimums to improve vitality of local businesses, reduce the cost of housing, and support the climate action goals.  
**Zoning and Planning Held 8-0**
- #288-20**      **Reappointment of William Winkler to the Urban Design Commission**  
HER HONOR THE MAYOR reappointing William Winkler, 48 Holman Road, Auburndale, as a regular member of the URBAN DESIGN COMMISSION for a term to expire on June 1, 2023. (60 days: 08/21/2020)  
**Zoning & Planning Approved 8-0**
- #289-20**      **Reappointment of Ralph Abele to the Newtonville Historic District Commission**  
HER HONOR THE MAYOR reappointing Ralph Abele, 15 Page Road, Newtonville, as a regular member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire on May 31, 2023. (60 days: 08/21/2020)  
**Zoning & Planning Approved 8-0**
- #290-20**      **Reappointment of Mark Chudy to the Newtonville Historic District Commission**  
HER HONOR THE MAYOR reappointing Mark Chudy, 34 Prescott Street, Newtonville, as a regular member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire on May 31, 2023. (60 days: 08/21/2020)  
**Zoning & Planning Approved 8-0**
- #291-20**      **Reappointment of Jay Walter to the Newton Upper Falls Historic District Commission**  
HER HONOR THE MAYOR reappointing Jay Walter, 83 Pembroke Street, Newton, as a regular member of the NEWTON UPPER FALLS HISTORIC DISTRICT COMMISSION for a term to expire on July 1, 2023. (60 days: 08/21/2020)  
**Zoning & Planning Approved 8-0**
- Referred to Zoning & Planning Committee**  
Thursday, July 9, 2020
- #88-20**      **Discussion and review relative to the draft Zoning Ordinance**  
DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.  
**Zoning and Planning to Meet on 07/09/2020**

## **Referred to Programs & Services Committee**

Wednesday, June 24, 2020

Present: Councilors Krintzman (Chair), Noel, Albright, Baker, Wright, Greenberg, and Humphrey;  
Absent: Councilor Ryan; Also Present: Councilors Leary, Norton, Kelley, Kalis, Laredo, Crossley,  
Danberg, and Gentile; Also Present: Councilors Lipof and Bowman

### **Referred to Programs & Services and Finance Committees**

**#156-20**

#### **Request for comparison of dog license fines**

COUNCILOR ALBRIGHT requesting a comparison of Newton's fine for failure to license a dog to other communities. In addition, requesting an increase in the fine for failure to license a dog.

**Programs & Services Held 7-0**

### **Referred to Programs & Services and Finance Committees**

**#157-20**

#### **Request for review and changes to off-leash dog ordinance**

COUNCILOR ALBRIGHT requesting a review and possible changes to the off-leash dog ordinance to include:

- a) raising fees required by dog walking companies in order to better maintain sites heavily used by dog walkers; and
- b) requiring background checks on dog walkers to assure safety of dog owners and dogs; and
- c) requesting the development of regulations for dog walking and dog daycare companies to assure appropriate care for dogs.

**Programs & Services Held 7-0**

### **Referred to Programs & Services and Finance Committees**

**#295-20**

#### **Request for an amendment to the Newton dog ordinances**

COUNCILORS ALBRIGHT, BAKER, KALIS, MALAKIE, MARKIEWICZ, DOWNS, NORTON, AND HUMPHREY requesting amendment of the relevant Newton ordinances relating to care and custody of dogs in public spaces, including licensing, leashing, paying for off-leash privileges in certain parks, and cleaning up, so as to allow staff involved in the supervision of Newton's parks and conservation areas to enforce those ordinances or regulations, including issuing non-criminal citations pursuant to G.L. c. 40, Sec. 21D, in addition to the enforcement provided by the Newton police.

**Programs and Services divided the item to create #295-20(A) to revise the ordinance language to extend off-leash enforcement to the Commissioner of Parks, Recreation & Culture, or their designee.**

**Programs & Services Approved #295-20(A) 7-0**

**Programs & Services Held #295-20(B) 7-0**

**Finance to Meet on 07/13/2020**

**#185-20**

**Request for a discussion on farm structure maintenance responsibility**

COUNCILORS RYAN, LIPOF, AND KALIS requesting a discussion to understand responsibility for large and small maintenance projects of the Newton farm structures.

**Programs & Services Voted No Action Necessary 7-0**

**#49-20**

**Request for update on leaf blower ordinance compliance**

COUNCILORS BAKER, LEARY, RYAN, AND HUMPHREY requesting update from the Executive Department on compliance with Newton's leaf blower ordinance and discussion of possible revisions to the ordinance's enforcement provisions to improve compliance.

**Programs & Services Held 7-0**