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City Council Reports Docket

March 21: Real Property Reuse
March 22: Programs & Services; Public Facilities
March 27: Zoning & Planning
March 28: Land Use

Monday, March 20, 2017
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7:15 PM, Newton City Hall
To be reported on
Monday, April 3, 2017

City of Newton In City Council Items to be Acted Upon

Unfinished Council Business

Referred to Programs & Services, Public Facilities and Finance Committees

- #175-16** **Authorization to enter into a settlement agreement with National Grid.**
HIS HONOR THE MAYOR requesting authorization for the City to enter into a settlement agreement with Boston Gas Company d/b/a National Grid. [04/25/16 @ 6:52 PM]

Referred to Land Use Committee

Tuesday, March 28, 2017

Present: Councilors Laredo (Chair), Schwartz, Crossley, Lipof, Harney, Cote, Auchincloss; absent: Councilor Lennon; also present: Councilor Albright

- #180-16 (2)** MARK NEWTONVILLE, LLC petition for a change of zone to Mixed Use 4 for land located at 22 Washington Terrace, 16-18 Washington Terrace, 10-12 Washington Terrace, 6-8 Washington Terrace, 875 Washington Street, 869 Washington Street, 867 Washington Street, 861-865 Washington Street, 857-859 Washington Street, 845-855 Washington Street, 245-261 Walnut Street (a/k/a 835-843 Washington Street), 241 Walnut Street, 22 Bailey Place, 14-18 Bailey Place, and an unnumbered lot on Bailey Place, also identified as Section 21, Block 29, Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 19A, 20, 21, 22, and 23, Ward 2, currently zoned Business 1, Business 2, and Public Use, further described as follows:
Beginning at a point on the northerly line of Washington Street, running thence;
Along the northerly line of Washington Street, south 89 degrees - 04 minutes - 40 seconds west, a distance of 433.14 feet to a point; thence

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 or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

Along the easterly line of Washington Terrace north 02 degrees - 03 minutes - 34 seconds west, a distance of 278.34 feet to a point, thence, the following four (4) courses along the existing zone lines of MR-1 and MR-3:

North 86 degrees - 11 minutes - 41 seconds west, a distance of 15.07 feet to a point; thence

North 01 degrees - 52 minutes - 35 seconds west, a distance of 3.01 feet to a point; thence

South 86 degrees - 11 minutes - 41 seconds east, a distance of 85.43 feet to a point; thence

North 88 degrees - 31 minutes - 34 seconds east, a distance of 370.56 feet to a point on the westerly line of Walnut Street; thence

Along the westerly line of Walnut Street, south 04 degrees - 12 minutes - 48 seconds east, a distance of 261.82 feet to a point of curvature; thence

Along a curve to the right having a radius of 17.00 feet, a central angle of 93 degrees - 17 minutes - 28 seconds, an arc length of 27.68 feet, a chord bearing of south 42 degrees - 25 minutes - 56 seconds west, a chord length of 24.72 feet to the point and place of beginning.

Containing 123,765 square feet, or 2.84 acres, more or less.

Public Hearing Closed; Land Use Approved Withdrawal Without Prejudice 6-0 (Lipof not Voting)

#179-16

MARK NEWTONVILLE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use development in excess of 20,000 square feet consisting of three interconnected buildings with building heights not exceeding 60 feet and five stories, total gross floor area not exceeding 235,000 square feet incorporating not more than 163 residential units, not exceeding 45,000 square feet of commercial space, not exceeding 2,500 square feet of community space, not less than 350 onsite parking stalls outside at grade or within a below-grade garage, and related site improvements; to authorize uses including retail of more than 5,000 square feet, personal service of more than 5,000 square feet, restaurants over 50 seats, standalone ATMs, health club establishments at or above ground floor, animal service, and street level office; to allow FAR of not more than 1.90, lot area per dwelling unit of approximately 775 square feet, reduction of the overall non-residential parking requirement by 1/3, 1.25 parking stalls per residential unit, and free standing signs; to grant waivers of not more than 97 parking stalls and of the height setback and facade transparency and entrance requirements; to grant waivers of certain parking facility design standards including dimensional requirements for parking stalls, parking stall setback requirements, entrance and exit driveways, interior landscaping, interior planting area, tree plantings, bumper overhang, lighting of one foot candle, curbing and surfacing, wheel stops, guard rails, bollards, and maneuvering space for end stalls; and to grant waivers as to number,

size, location, and height of signs and number of required loading bays, at 22 Washington Terrace, 16-18 Washington Terrace, 10-12 Washington Terrace, 6-8 Washington Terrace, 875 Washington Street, 869 Washington Street, 867 Washington Street, 861-865 Washington Street, 857-859 Washington Street, 845-855 Washington Street, 245-261 Walnut Street (a/k/a 835-843 Washington Street), 241 Walnut Street, 22 Bailey Place, 14-18 Bailey Place, and an unnumbered lot on Bailey Place, also identified as Section 21, Block 29, Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 19A, 20, 21, 22, and 23, containing approximately 2.84 acres of land in a proposed Mixed Use 4 District. Ref.: Sections 4.2.2.A.2; 4.2.2.B.1; 4.2.3; 4.2.5.A.2; 4.2.5.A.3; 4.2.5.A.4; 4.2.5.A.4.c; 4.2.5.A.6; 4.2.5.A.6a; 4.2.5.A.6.b; 4.4.1; 5.1.4.A; 5.1.4.C; 5.1.8.A; 5.1.8.A.2; 5.1.8.B; 5.1.8.B.1; 5.1.8.B.2; 5.1.8.B.6; 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; 5.1.10.A.1; 5.1.10.B.3; 5.1.10.B.5; 5.1.12; 5.1.13; 5.2.13; 5.2.13.A; 7.3; and 7.4 of Chapter 30 of the City of Newton Revised Zoning Ordinances, 2015. Public Hearing Opened on June 7, 2016 and continued to July 12, September 13, October 6, 2016, November 1, 2016, November 29, December 15, 2016, January 12, 2017, January 31, 2017 and February 7, 2017.

Public Hearing Closed; Land Use Approved Withdrawal Without Prejudice 6-0 (Lipof not Voting)

#37-17

Special Permit to extend nonconforming FAR & front setback at 8 Hazelwood Ave

JOEL AND MARGHERTIA ROBBINS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition and deck in front of the house, further extending the nonconforming front setback and nonconforming FAR to .62 where .50 is allowed and .55 exists at 8 Hazelwood Avenue, Ward 3, West Newton, on land known as SBL 44003 0030, containing approximately 4,750 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.9, 7.8.2.C.2, 3.1.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 6-0-1 (Schwartz abstaining)

#38-17

Special Permit to exceed FAR at 1016 Centre Street

CLAUDINE GROSSMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing garage, structure and deck and to construct an attached two-car garage and indoor sport court, exceeding the maximum allowable FAR to .38 where .33 is allowed and .31 exists at 1016 Centre Street, Ward 7, Newton Centre, on land known as SBL 73049 0010, containing approximately 19,878 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Held 6-0 (Schwartz not Voting)

- #43-17** **Special Permit to extend non-conforming two-family use at 893 Watertown Street**
JAMES AND CAROL HOOPES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single-story rear addition extending the existing non-conforming two-family use at 893 Watertown Street, Ward 3, West Newton, on land known as SBL 31014 0005, containing approximately 19,560 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 Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Land Use Postponed to May 2, 2017 6-0 (Crossley not Voting)
- #39-17** **Special Permit to locate a daycare center at 45-47 Bryon Road**
LARISA BANKOVSKY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to terminate the residential use at the property and use it for a day care center to enroll 34 children, requiring a waiver of four parking stalls, a waiver for parking in the setback, a waiver for the parking stall dimensions, waiver for the minimum aisle width for two-way traffic, waivers for lighting requirements for parking, a waiver for the outdoor play area vegetative buffer at 45-47 Bryon Road, Ward 8, Chestnut Hill, on land known as SBL82043 0007, containing approximately 10,050 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Dover Waiver, 7.3.3, 7.4, 7.4.5, 6.3.4.3, 5.1.4.A, 5.1.13, 5.1.8.A.1, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.2, 5.1.10, 6.3.4.B.3.a, of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Land Use Approved 7-0
- #431-16** **Special Permit to allow three attached dwellings at 377 Langley Road**
367-377 LANGLEY ROAD LLC., petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow three attached single-family dwellings, reduce frontage requirements for attached single family dwellings, reduce side setback requirements, allow parking within 20' of a side lot line and a driveway within 10' of a side lot line and to allow placement of a retaining wall of 4 feet or more within a setback at 377 Langley Road, Ward 6, Newton Centre, on land known as SBL 65019 0058, containing approximately 23,545 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Land Use Held 7-0, Public Hearing Continued
- Referred to Land Use, Programs & Services, and Finance Committees**
- #256-16** **Request to extend notification area of notice for special permit petitions**
COUNCILORS COTE, NORTON, HARNEY, BLAZER, BROUSAL-GLASER, AND LEARY requesting an amendment to the City Council Rules, Article X; Section 6 – Additional Notification Requirements, to include that the area of notice for special permit petitions be expanded beyond the abutters to abutters within 300' required by Massachusetts General Law Chapter 40A to also include property owners within 600' of the subject property. This notification will apply to all classes of building except for residential 1 and 2-family units that will remain 1 or 2-family units after receiving a special permit.

Only abutters to abutters within 300' will be entitled to the rights conferred by Massachusetts General Law Chapter 40A. [07/01/16 @2:09 PM]

Land Use Held 7-0, Public Hearing Continued

Referred to Zoning & Planning Committee

Monday, March 27, 2017

Present: Councilors Hess-Mahan (Chair), Danberg, Leary, Albright, Kalis, Baker, Sangiolo and Yates;
also present: Councilors Crossley, Brousal-Glaser, Norton and Blazar

- #67-17** **Mayor's appointment of Mark Chudy to Newtonville Historic District Commission**
MARK CHUDY, 34 Prescott Street, Newtonville, appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire May 31, 2020 (60 days 05/19/17) [03/13/17 @ 3:26PM]
Programs & Services Approved 8-0
- #68-17** **Mayor's appointment of Ralph Abele to Newtonville Historic District Commission**
RALPH ABELE, 15 Page Road, Newtonville, appointed as a member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire May 31, 2020 (60 days 05/19/17) [03/13/17 @ 3:26PM]
Programs & Services Approved 8-0
- #69-17** **Mayor's appointment of Brett Catlin to Chestnut Hill Historic District Commission**
BRETT CATLIN, 121 Suffolk Road, Chestnut Hill, appointed as a member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire May 31, 2020 (60 days 05/19/17) [03/13/17 @ 3:26PM]
Programs & Services Held 8-0
- #70-17** **Mayor's appointment of Ed Zielinski to Chestnut Hill Historic District Commission**
ED ZIELINSKI, 128 Gibbs Street, Newton Centre, appointed as an alternate member of the CHESTNUT HILL HISTORIC DISTRICT COMMISSION for a term to expire May 31, 2020. (60 days 05/19/17) [03/13/17 @ 3:26PM]
Programs & Services Approved 8-0
- #343-16** **Zoning amendment relative to accessory apartments**
HIS HONOR THE MAYOR, COUNCILOR HESS-MAHAN, ALBRIGHT, CICCONE, CROSSLEY, AND NORTON proposing to amend Chapter 30 Section 6.7.1 Accessory Apartments and Section 5.1.4 Number of Parking Stalls in order to create a new accessory apartment ordinance that expands the availability of accessory apartments. [10/07/16 @ 10:03 AM) **Hearing closed 11/14/16 (90 days 2/12/17) Hearing closed 02/27/16 (90 days 5/29/17)**
Programs & Services Approved 4-0-4 (Kalis, Baker, Sangiolo, Yates abstaining)

- #109-15 Zoning amendment for inclusionary housing provisions from 15% to 20%**
HIS HONOR THE MAYOR requesting consideration of changes to the inclusionary housing provisions of the Zoning Ordinance to increase the required percentage of affordable units to 20% with the additional 5% set aside for middle income households.
 [04/24/15 @ 2:38 PM]
Programs & Services Held 8-0

Referred to Programs & Services Committee

Wednesday, March 22, 2017

Present: Councilors Rice (Chair), Leary, Baker, Auchincloss, Kalis, Schwartz, Hess-Mahan and Sangiolo;
 also present: Councilors Yates, Norton and Cote

- #45-17 Resolution to commemorate Newton residents in World War I**
COUNCILOR YATES proposing a Resolution to urge all relevant City agencies to commemorate the participation of Newton residents in World War I, honor their courage, idealism and suffering, and learn from the consequences of the war.
 [02/27/17 @ 2:15PM]
Programs & Services Approved as amended 8-0

- #300-16 Ordinance to register lobbyists**
COUNCILORS COTE, NORTON AND HARNEY proposing an ordinance to register lobbyists in the City of Newton. [08/10/16 @ 3:11 AM]
Programs & Services Held 8-0

- #158-16 Ordinance to require notice on gas pumps relative to climate change**
COUNCILORS NORTON AND SANGIOLO requesting an ordinance that requires a notice posted on retail gas station pumps within the City of Newton that informs consumers that burning gasoline contributes to climate change; and a link to a City website page offering information regarding alternatives to gasoline powered transportation, including walking, biking, public transit and electric vehicles. [04/25/16 @ 9:02 AM]
Programs & Services Held 8-0

- #56-16 Ordinance amendment to add statutory references to policy on housing practices**
COUNCILOR HESS-MAHAN requesting an amendment to Chapter 12, Section 50(b) *Policy of the city regarding housing practices*, to add statutory references to Title VI of the Civil Rights Act of 1964; the Americans with Disabilities Act; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act; and any other applicable state or federal laws that were inadvertently omitted from the current ordinance. [02/08/16 @ 1:51 PM]
Programs & Services Held 8-0

Referred to Public Facilities Committee

Wednesday, March 22, 2017

Present: Councilors Crossley (Chair), Albright, Lappin, Laredo, Gentile, Danberg, Brousal-Glaser;
absent: Councilor Lennon; also present: Councilors Fuller, Rice

- #47-17** **Petition for grant of location at Washington Street**
EVERSOURCE ENERGY petition for a grant of location to install \pm 673 feet of conduit in WASHINGTON STREET from Manhole #3383 approximately 43' south of Walnut Street. [(Ward 2) 01/26/16 @ 12:31 PM]
Public Facilities Approved Subject to Second Call 6-0-1 (Laredo abstaining)
- #48-17** **Petition for grant of location at Washington Street**
EVERSOURCE ENERGY petition for a grant of location to install one hip guy at pole #447/94 approximately 180' \pm east of Lowell Avenue [(Ward 2) 01/26/16 @ 12:31 PM]
Public Facilities Approved 7-0
- #49-17** **Petition for grant of location at Caldon Path**
EVERSOURCE ENERGY petition for a grant of location to install \pm 39' of conduit southerly to pole 359/12 (adjacent to 44 Caldon Path), headed in a southwesterly direction \pm 501' to two proposed manholes. [(Ward 8) 02/06/16 @ 11:07 AM]
Public Facilities Held 7-0
- #50-17** **Petition for grant of location at O'Rourke Path/Hanson Road/Callahan Path**
EVERSOURCE ENERGY petition for a grant of location to install conduit westerly from pole 359/9 a distance of 24' \pm in a southwesterly direction to one proposed manhole a distance of 466' \pm continuing southwesterly 12' \pm to a second proposed manhole in Callahan Path. [(Ward 8) 02/06/16 @ 11:02 AM]
Public Facilities Held 7-0
- #51-17** **Petition for grant of location at Timson Path/Saw Mill Brook Parkway**
EVERSOURCE ENERGY petition for a grant of location to install conduit westerly from pole 366/8 in Saw Mill Brook Parkway a distance of 430' \pm in a northerly direction to a proposed manhole in front of 15 Timson Path continuing northeasterly to a second proposed manhole in front of 27 Timson Path. [(Ward 8) 02/06/16 @ 11:04 AM]
Public Facilities Held 7-0
- #52-17** **Petition for a grant of location at Spiers Road/Shute Path**
EVERSOURCE ENERGY petition for a grant of location to install 141' \pm of conduit northwesterly from pole 371/16 on Spiers Road in a northwesterly direction to a proposed manhole in front of 147 Shute Path. [(Ward 8) 02/08/16 @ 2:55 PM]
Public Facilities Held 7-0

#73-17 Eversource petition for grant of location at Osborne Path/Van Roosen Road
EVERSOURCE ENERGY petition for a grant of location to install conduit from a proposed manhole in front of 112 Osborne Path in a southwesterly direction to pole 352/4 a distance of 145'± in Van Roosen Road. [(Ward 8) 02/27/2017 @ 2:54 PM]
Public Facilities Held 7-0

#74-17 Eversource petition for grant of location at Chinian Path
EVERSOURCE ENERGY petition for a grant of location to install one manhole 3' easterly to Chinian Path in a westerly direction 397± to a second proposed manhole in front of #49 Chinian Path continuing in a westerly direction 45'± to pole 232/22 in Wiswall Road. [(Ward 8) 02/06/16 @ 11:03 AM]
Public Facilities Held 7-0

#72-17 Cellco petition for Grant of Location for wireless communication equipment
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS petitioning for a grant of location to attach wireless communication equipment to existing utility poles at the following locations [02/08/2017 @3:01 PM]:

Locations

Commonwealth Ave (at intersection of Boylston/Chestnut St) at Eversource Pole #102/200

Albemarle Rd (adjacent to 250 Albemarle) at Eversource Pole #2X

Public Facilities Split the item into 72-17(A) Commonwealth Ave (at intersection of Boylston/Chestnut St) at Eversource Pole #102/200 and

72-17(B) Albemarle Rd (adjacent to 250 Albemarle) at Eversource Pole #2X.

Public Facilities Held 72-17(B)

Public Facilities Approved 72-17(A) Subject to Second Call

#189-14 Update on the Zervas School construction project
PUBLIC FACILITIES COMMITTEE requesting periodic updates on the Zervas Elementary School Project. [04/17/14 @ 10:48 PM]
Public Facilities Held 7-0

Referred to Public Facilities and Finance Committees

#76-17 Appropriate \$1 million for snow and ice removal expenses
HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one million dollars dollars (\$1,000,000) from Free Cash to supplement the Department of Public Works' snow and ice operations budget.

Personnel Costs – Overtime

(0140110-513001)..... \$250,000

Rental Vehicles

(0140110-5273-5273) \$750,000

[03/13/17 @ 4:39 PM]

Public Facilities Approved 7-0

Referred to Public Facilities and Finance Committees

#77-17

Ordinance amendment to include ordinances on illicit discharges to storm drains

HIS HONOR THE MAYOR requesting amendments to the City of Newton Revised Ordinances, 2012 to include new sections related to illicit discharges to storm drains that meet the requirements set forth under the City's Municipal Separate Storm Sewer System Permit. [03/13/17 @ 4:39 PM]

Finance to Meet

Public Facilities Approved 7-0

Referred to Public Facilities and Finance Committees

#78-17

Appropriate \$71,800 for engineering services

HIS HONOR THE MAYOR requesting authorization to appropriate and expend seventy-one thousand eight hundred dollars (\$71,800) from the Storm Water Surplus Account for the purpose of funding professional engineering services in the design and construction engineering phases of the rehabilitation of the Flowed Meadow Pump Station. [03/13/17 @ 4:39 PM]

Finance to Meet

Public Facilities Approved 7-0

Referred to Real Property Reuse Committee

Tuesday, March 21, 2017

Present: Councilors Albright (Chair), Gentile, Crossley, Danberg, Fuller, and Kalis; absent: Councilors Lennon and Brousal-Glaser

#360-16

Reuse of the Stanton Avenue water tower site

DIRECTOR OF PLANNING& DEVELOPMENT submitting on October 7, 2016 a letter stating that the water tower site located at Stanton Avenue declared surplus by the COMMISSIONER OF PUBLIC WORKS on September 15, 2016, should be declared unnecessary for municipal purposes pursuant to Ordinance Section 2-7. [10/10/16 @ 10:48 PM]

Real Property Reuse Approved 6-0