



**RECEIVED**  
By ssullivan at 3:36 pm, May 11, 2017

## City Council Reports Docket

May 2: Land Use  
May 8: Zoning & Planning; Finance  
May 9: Land Use

Monday, May 1, 2017  
Continued  
Page 410  
7:45 PM, Newton City Hall  
To be reported on  
**Monday, May 15, 2017**

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

#### Unfinished Council Business

*Item chartered by Councilor Gentile on May 1, 2017:*

**#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 Approved Subject to Second Call 5-0-1 (Lennon not Voting) Public Hearing Closed April 13, 2017**

#### Referred to Land Use Committee

Tuesday, May 2, 2017

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

**#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.

---

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.

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 June 6, 2017**

**#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.

**Land Use Postponed to June 6, 2017**

**#95-17 Change of Zone Petition for Washington Street**

MARK NEWTONVILLE, LLC petition for a change of zone to Mixed Use 4 for (i) all of the land located at 10-12 Washington Terrace, 6-8 Washington Terrace, 875 Washington Terrace, 867 Washington Street, 857-859 Washington Street, 845-855 Washington Street and 245-261 Walnut Street, also identified as Section 21, Block 29, Lots 11, 12, 17, 18, 19A, 20 and 21, Ward 2, currently zoned Business 1 and Business 2, and (ii) a portion of the land located at 16-18 Washington Terrace, 869 Washington Street, 861-865 Washington Street, 241 Walnut Street, 22 Bailey Place, 14-18 Bailey Place, and a private way known as Bailey Place, also identified as Section 21, Block 29, Lots 10, 13, 14, 16, 19, and 22, 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, thence

Along the northerly line of Washington Street, south 89 degrees - 04 minutes - 40 seconds west, a distance of 434.02 feet to a point; thence

Along the easterly line of Washington Terrace, north 01 degrees - 52 minutes - 35 seconds west, a distance of 188.53 feet to a point; thence

North 89 degrees - 04 minutes - 40 seconds east, a distance of 294.98 feet to a point; thence

North 05 degrees - 11 minutes - 33 seconds west, a distance of 52.46 feet to a point; thence

North 85 degrees - 43 minutes - 30 seconds east, a distance of 150 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 231.99 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 92,907 square feet, or 2.13 acres, more or less.

**Land Use Held 6-0 to May 30, 2017**

**#96-17**

**Special Permit Petition for Washington Street**

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 160 residential units, not exceeding 46,000 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 services, and street level office; to allow FAR of not more than 2.50, lot area per dwelling unit of approximately 581 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 and dimensions 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, 241 Walnut Street, 22 Bailey Place, 14-18 Bailey Place, an unnumbered lot on Bailey Place, and the private way known as 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 part of which is in a proposed Mixed Use 4 District and the remainder of which is in the existing Business 2 and Public Use zones. 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.c;

4.2.5.A.6.a; 4.2.5.A.6.b; 4.2.5.A.6.c; 4.4.1; 5.1.4.A; 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.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.5; 5.1.12; 5.1.13; 5.2.13.A; 7.3; and 7.4 of Chapter 30 of the City of Newton Revised Zoning Ordinances, 2015.

**Land Use Held 6-0 to May 30, 2017**

**Referred to Land Use Committee**

Tuesday, May 9, 2017

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

**#101-17 Special Permit to extend nonconforming use at 46 Farwell Street**

BRIAN MCDONALD/CONTINUOUS IMPROVEMENT REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert the existing detached truck storage structure into a residential unit and continue the office use in the front structure, constituting two uses on site at 46 FARWELL STREET, Ward 3, Newtonville, on land known as SBL 21001 0014, containing approximately 8,529 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, 5.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Land Use Postponed to June 6, 2017**

**#19-17 Special Permit to rectify already constructed garage at 129 Cabot Street**

MICHAEL MENDIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rectify the building permit issued in error due to a garage with an oversized dormer on the half-story above the first level at 129 Cabot Street, Ward 2, Newton, on land known as SBL 13008 0010, containing approximately 8,793 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3, 7.4, 1.5.4.G.2, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Land Use Approved Withdrawal without Prejudice 5-0 (Cote not Voting)**

**#80-17 Special Permit to allow six-unit multi-family with accessory parking at 39 Herrick Road**

HERRICK ROAD REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct three-story, six unit, multi-family dwelling in excess of 24' with ground floor residential use, allow a reduction to 1.25 parking stalls per unit, allow parking in the side setback, allow a reduced minimum aisle width, allow reduced minimum entrance and exit drive width, allow off street parking on a separate lot, waive perimeter screening requirements, waive lighting and surfacing requirements at 39 Herrick Road, Ward 6, on land known as SBL 61035 0007, containing approximately 12,979 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 5.1.4, 5.1.13, 5.1.8.A,

5.1.8.C.2, 5.1.8.D.1, 5.1.9.A, 5.1.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Land Use Approved Withdrawal without Prejudice 5-0 (Cote not Voting)**

**#100-17**

**Special Permit for three-family at 62 Walnut Park**

THOMAS JOSEPH HYNES III petition for SPECIAL PERMIT/SITE PLAN APPROVAL to alter the use of the existing nonconforming detached barn by converting it into a residential unit, creating a three-family in two structures at 62 WALNUT PARK, Ward 1, Newton, on land known as SBL 12005 0024, containing approximately 30,209 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.2.13, 3.4.3.A.1, 7.8.2.C.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Land Use Approved Withdrawal without Prejudice 5-0 (Cote not Voting)**

**#2-15(3)**

**Request for an Extension of Time for Special Permit at 300 Boylston Street**  
ATRIUM WELLNESS CENTER request for an EXTENSION of TIME in which to EXERCISE special permit #2-15, granted on April 6, 2015 to repurpose an existing vacant building into a mixed-use commercial facility including general office, medical office, laboratory, retail uses, and restaurants at 300 BOYLSTON STREET, Ward 7, Newton Centre, said EXTENSION will run from April 6, 2017 to April 6, 2018. Ref: 30-24, 30-23, 30-21, 30-11(b)(3), 30-11(d)(9), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

**Land Use Approved Extension of Time 5-0 (Cote not Voting)**

**#98-17**

**Special Permit to EXTEND nonconforming front setback at 37 Troy Lane**

DONALD FABRIZIO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single family dwelling, extending the structure vertically within the nonconforming front setback at 37 TROY LANE, Ward 5, Waban, on land known as SBL 53004 0008, containing approximately 5,791 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.2.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Land Use Approved 5-0 (Schwartz not Voting); Public Hearing Closed May 9, 2017**

**#99-17**

**Special Permit to EXTEND nonconforming use and FAR at 49-51 Clinton Place**

RALPH KOHL petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition, increasing the nonconforming two-family use and nonconforming FAR at 49-51 CLINTON PLACE, Ward 2, Newton Centre, on land known as SBL 13024 0037, containing approximately 4,050 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Land Use Approved 6-0; Public Hearing Closed May 9, 2017**

**#63-17 Special Permit to allow six-unit multi-family at 16-26 Dalby Street**  
DALBY DEVELOPMENT, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct six dwelling units with shared underground parking by combining three lots at 16-26 Dalby Street, Ward 1, Newton, on land known as SBL 11007 0046, 11007 0045, 11007 0044, containing approximately 23,400 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Land Use Held 6-0; Public Hearing Continued**

**#97-17 Special Permit to EXTEND nonconforming use at 966 Watertown Street**  
BR STONE CORP./STEPHANIE OLIVEIRA DIAS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to use a portion of the legally nonconforming wholesale site to cut and fabricate stone countertops, further extending the nonconforming use to manufacturing at 966 WATERTOWN STREET, Ward 3, West Newton, on land known as SBL 31005 0003, containing approximately 13,408 sq. ft. of land in a district zoned BUSINESS 1. Ref. 7.3.3, 7.4, 4.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Land Use Held 6-0; Public Hearing Continued**

**Referred to Zoning & Planning Committee**

Monday, May 8, 2017

Present: Councilors Hess-Mahan (Chair), Danberg, Leary, Baker, Kalis, Sangiolo, Albright and Yates; also present: Councilors Crossley, Lipof, Gentile and Rice; Planning & Development Board Present: Yeo, Parisca, Wolf, Doeringer and Heath

**Referred to Programs & Services and Zoning & Planning Committees**

**#81-17 Ordinance amendments relative to rDNA technology and research facilities**  
THE BIOSAFETY COMMITTEE, COUNCILORS AUCHINCLOSS, HESS-MAHAN, LIPOF, AND SCHWARTZ requesting amendments to Sections 12-21 through 12-30 in order to update guidelines and procedures for the regulation of recombinant DNA technology; and requesting amendments to Section 12-24 and Chapter 30 to remove the requirement that laboratories or research facilities obtain a special permit from the City Council in order to utilize recombinant DNA research or technology. [03/27/17 @4:31 PM]

**Zoning & Planning Held 8-0**

**#104-17 Recommendation to establish a Newton Highlands Historic District**  
NEWTON HISTORICAL COMMISSION submitting a recommendation, pursuant to MGL Chapter 40C, Section 3, that Article III, Historical Provisions, and Division 1, Commissions and Districts, of the City of Newton Ordinances, be amended by establishing a local historic district in Newton Highlands. [04/10/17 @ 10:45AM]

**Zoning & Planning Held 7-0 (Albright not voting)**



**#360-16(2) Zoning amendment to rezone 160 R Stanton Avenue**  
DIRECTOR OF PLANNING AND DEVELOPMENT requesting to rezone land known as Section 43, Block 45, Lot 33 located at 160 R Stanton Avenue from PUBLIC USE to MULTI RESIDENCE 3 in order to prepare the site for multi-family affordable housing development. [03/23/17 @ 11:44 AM]  
**Hearing Closed; Zoning & Planning Held 7-0 (Baker not voting)**

**#53-16(3) Zoning Ordinance technical amendment**  
DIRECTOR OF PLANNING requesting a technical amendment to the Newton Zoning Ordinance, Chapter 30, Section 7.3.2.E in order to edit incorrectly transcribed language pertaining to the time periods for special permit lapse and extension. [04/19/17 @ 1:29 PM]  
**Zoning & Planning Approved 7-0 (Baker not voting)**

**Referred to Finance Committee**

Monday, May 8, 2017

Present: Councilors Gentile (Chair), Norton, Rice, Blazar, Fuller, and Lappin; absent: Councilors Ciccone and Brousal-Glaser; also present: Councilors Crossley and Albright

**Referred to Public Facilities and Finance Committees**

**#124-17 Transfer of \$65,000 to various Public Buildings Accounts**  
HIS HONOR THE MAYOR requesting authorization to make the following transfers from Public Building Department Accounts for the purpose of providing supplemental funding for maintenance, consultants, and the purchase of a craftsmen vehicle.

<b>From:</b>	Municipal Building Maintenance Full-time Salaries	\$45,000
<b>To:</b>	Municipal Building Maintenance Repair-Maintenance	\$43,880
	Public Building Administration, Consultants	\$1,120

<b>From:</b>	City Hall Operations Full-time Salaries	\$15,000
	Library Building Maintenance Part-time Salaries	\$5,000
<b>To:</b>	Public Building Administration, Consultants	\$20,000

<b>From:</b>	PC hardware	\$5,568
	Municipal Building Maintenance Full-time Salaries	\$18,629
<b>To:</b>	FY 17 Operating Budget Vehicle Account	\$24,197

04/24/17 @ 4:04 PM]

**Public Facilities Approved 4-0 on 05/08/17**

**Finance Approved 5-0 (Rice not voting)**

**#121-17**

**Appointment by His Honor the Mayor to the Taxation Aid Committee**

EMMA WATKINS, 17 Otis Street, Newtonville, appointed as a member of the NEWTON TAXATION AID COMMITTEE for a term of office to expire March 1, 2019 (60 days 06/30/17) [04/24/17 @ 4:04 PM]

**Finance Approved 5-0 (Rice not voting)**

**Referred to Zoning & Planning and Finance Committees**

**#90-17**

**Transfer of \$75,000 to develop a Complete Streets Guidebook**

HIS HONOR THE MAYOR requesting authorization to transfer the sum of seventy-five thousand dollars (\$75,000) from the Planning Department Full-time Salaries Account to the Planning Department Consulting Services Account for the purpose of developing a Complete Streets Guidebook. [03/27/17 @ 2:20 PM]

**Zoning & Planning Approved 8-0 on 04/24/17**

**Finance Approved 5-0 (Rice not voting)**

**#120-17**

**Re-appointment by His Honor the Mayor to the Taxation Aid Committee**

MATTHEW CHAO, 95 Columbia Avenue, Newton Highlands, re-appointed as a member of the NEWTON TAXATION AID COMMITTEE for a term of office to expire March 1, 2020 (60 days 06/30/17) [04/24/17 @ 4:04 PM]

**Finance Approved 6-0**