



**POSTED**  
City Clerk

**REVISED**  
5:05 pm, Aug 14, 2017

## City Council Docket

Aug 21: Zoning & Planning

Continued

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**Monday, August 14, 2017**

7:45 PM, Newton City Hall

To be reported on

Tuesday, September 5, 2017

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

#### Referred to Land Use Committee

##### ***Public Hearing to be assigned for September 7, 2017***

**#201-17**

##### **Special Permit to construct three-story building at 386-394 Watertown Street**

JLM REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story building, up to 36' high, allow an FAR of 1.5, waivers to allow parking in the side setback, waiver to allow parking within 5' of a building or structure containing dwelling units, waivers to allow a reduction in the parking requirement to 1.25 per dwelling unit, relief from parking facility landscaping, and a waivers to the lot area per unit in a multifamily dwelling by 25% to allow for an affordable unit at 386-394 Watertown Street, Ward 1, Newton, on land known as Section 14, Block 14, Lots 37-38, containing approximately 9,542 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Ref: 7.3, 7.4, 4.1.2.B.3, 4.1.3.3, 5.1.4, 5.1.8, 5.1.8.A.2, 5.1.13, 5.1.9, 5.1.1.13, 5.11, 5.11.15.A of the City of Newton Rev Zoning Ord, 2015.

##### ***Public Hearing to be assigned for September 7, 2017***

**#222-17**

##### **Special Permit to extend non-conforming two-family dwelling at 170-172 Sumner St**

SU YAHG AND ZHENG YU petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story rear addition, further increasing the non-conforming three-story dwelling where 2.5 is the maximum allowed by right at 170-172 SUMNER STREET, Ward 5, Newton Upper Falls, on land known as Section 61 Block 27 Lot 08A, containing approximately 12,023 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3, 7.4, 3.2.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

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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.

***Public Hearing to be assigned for September 7, 2017***

- #225-17 Special Permit to continue non-conforming setback at 155 Monadnock Road**  
DANIEL AND ALISON JAFFE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to replace the existing non-conforming detached garage with an expanded, connected garage, continuing the non-conforming front setback of 11.4' where 25' is required at 155 MONADNOCK ROAD, Ward 7, Chestnut Hill, on land known as Section 61, Block 17, Lot 01, containing approximately 6,642 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3, 7.4, 3.1.4, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

***Public Hearing to be assigned for September 7, 2017***

- #229-17 Special Permit to allow vehicle sales at 454-458 Watertown Street**  
TEE GEE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to expand the existing auto service business to allow the sale and service of up to ten used cars and waivers to requirements for parking facilities at 454-458 WATERTOWN STREET, Ward 1, Newtonville, on land known as Section 14, Block 16, Lot 35, containing approximately 14,277 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3, 7.4, 4.4.1, 5.1.4, 5.1.13 of the City of Newton Rev Zoning Ord, 2015.

***Public Hearing to be assigned for September 7, 2017***

- #230-17 Special Permit to extend non-conforming side setback at 191 Grant Avenue**  
LAUREN AND DAVID GANSLER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a second story addition over an existing sunroom on the side of the house, extending the non-conforming side setback at 191 GRANT AVENUE, Ward 6, Newton Centre, on land known as Section 61, block 29, Lot 14, containing approximately 6,044 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4, 3.1.4, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

***Public Hearing to be assigned for September 7, 2017***

- #231-17 Special Permit to amend Board Order #437-03 at 60 Needham Street**  
CHRISTINE D'AMICO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #437-03 to create a third commercial space for ground level health club use and to allow a waivers for 15 parking stalls or to allow required stalls off site at 60 NEEDHAM STREET, Ward 8, Newton Highlands, on land known as Section 83, Block 28, Lot 02, containing approximately 25,753 sq. ft. of land in a district zoned MIXED USE 2. Ref: Sec. 7.3, 7.4, 4.4.1, 5.1.4, 5.1.13, 5.1.6.A, 5.1.6.B, of the City of Newton Rev Zoning Ord, 2015.

***Public Hearing to be assigned for September 26, 2017***

- #224-17 Special Permit to increase non-conforming FAR and setbacks at 168 Allerton Road**  
ALAN LOBOVITS AND LISA ROSENFELD petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing detached garage and construct an attached garage, mudroom and kitchen, extending the existing non-conforming front setback, requiring a variance to allow a rear setback of 7.6' and increasing the FAR to .55 where .40 is allowed and .50 exists at 168 ALLERTON ROAD, Ward 6, Newton Highlands, on land

known as Section 52, Block 27, Lot 08, containing approximately 9,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

***Public Hearing to be assigned for September 26, 2017***

**#226-17 Special Permit to allow oversized dormers and exceed FAR at 18 Meredith Avenue**  
JAMES YOUNGBLOOD petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct three new dormers and increase the size of one existing dormer, exceeding the allowable size of dormers and increasing the FAR to .48 where .46 is required and .42 exists at 18 MEREDITH AVENUE, Ward 5, Newton Highlands, on land known as Section 54, block 45, Lot 15, containing approximately 4,443 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4, 1.5.4.G.2.b, 3.1.3, 3.1.9, 3.1.9.A.2 of the City of Newton Rev Zoning Ord, 2015.

***Public Hearing to be assigned for October 3, 2017***

**#223-17 Special Permit to amend Board Order #64-02 to allow for a garage at 1080 Walnut St**  
MICHAEL E. LIU petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order#64-02 to allow for the construction of a detached garage at 1080 WALNUT STREET, Ward 6, Newton Highlands, on land known as Section 52 Block 20 Lot 8, containing approximately 21,331 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.

***Public Hearing to be assigned for October 3, 2017***

**#227-17 Special Permit to amend Order #94-16 to allow changes to the site plan**  
THEODORE VENTOURIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #94-16 to allow a retaining wall, pillars and grading changes not consistent with the previously approved site plan at 2171 COMMONWEALTH AVENUE, Ward 4, Auburndale, on land known as Section 41, Block 18, Lot 0032A, containing approximately 19,682 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.

***Public Hearing to be assigned for October 3, 2017***

**#228-17 Special Permit to extend non-conforming use at 69-71 Cherry Street**  
CAPPADONA CHERRY GROUP, LLC/ROSSANA CAMPOS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to legalize third unit and non-compliant lot area per unit in the existing non-conforming two-family at 69-71 CHERRY STREET, Ward 3, West Newton, on land known as Section 34, Block 42, Lot 15, containing approximately 23,511 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.3 of the City of Newton Rev Zoning Ord, 2015.

**#232-17 Class 1 Auto Dealer License**  
FLAHERTY EQUIPMENT SALES CORPORATION  
846 Walnut Street  
Newton Centre 02459

**#233-17**      **Class 2 Auto Dealer License**  
CITY OF NEWTON  
1000 Commonwealth Avenue  
Newton Centre 02459

**Other Communications**

**Zoning Board of Appeals Decision 05-17 dated July 11, 2017**

ZBA #5-17 JOHN REIS, 11 Edgefield Road, appealing the March 31, 2017 zoning violation notice issued by the Commissioner of Inspectional Service for a violation of the storm water management provision of the City of Newton Zoning Ordinances. .

**DENIED**

- #40-15(2)**      **Appeal of consistency ruling for Paddy's Pub, 95 Elm Street**  
NICHOLAS FALKOFF, owner of 89 Elm Street, filing an appeal with the Zoning Board of Appeals on July 10, 2017 of the consistency ruling of the Commissioner of Inspectional Services related to Special Permit #40-15 regarding moving the outdoor seating at Paddy's Pub, 95 Elm Street from the rooftop to ground level.
- #96-17(2)**      **Appeal of approval of Special Permit #96-17 for Washington Place**  
PATRICK J. SLATTERY, Trustee of P&K Realty Trust II, filing in Superior Court on July 10, 2017 an appeal of Decision #96-17 of the Newton City Council granting a special permit and site plan approval to Mark Development, LLC for a mixed Use development called Washington Place at the intersection of Washington Street and Walnut Street in Newtonville.
- #96-17(3)**      **Appeal of approval of zone changes and Special Permit #96-17 for Washington Place**  
MAURA J. HARRINGTON filing in Land Court on July 11, 2017 an appeal of Decision #95-17 to change the zone of properties owned by Mark Newtonville, LLC on Washington Terrace, Washington Street, and Bailey Place and an appeal of Decision #96--17 of the Newton City Council granting a special permit and site plan approval to Mark Development, LLC for a mixed Use development called Washington Place at the intersection of Washington Street and Walnut Street in Newtonville.
- #96-17(4)**      **Appeal of approval of zone changes and Special Permit #96-17 for Washington Place**  
ELLEN F. FITZPATRICK, ET AL filing in Land Court on July 11, 2017 an appeal of Decision #95-17 to change the zone of properties owned by Mark Newtonville, LLC on Washington Terrace, Washington Street, and Bailey Place and an appeal of Decision #96—17 of the Newton City Council granting a special permit and site plan approval to Mark Development, LLC for a mixed Use development called Washington Place at the intersection of Washington Street and Walnut Street in Newtonville.

**Referred to Zoning & Planning Committee**

- #234-17**      **Zoning amendment to increase inclusionary zoning units from 15% to 25%**  
COUNCILOR SANGIOLO proposing an amendment to the inclusionary housing provisions of the Zoning Ordinance, Chapter 30, to increase the required percentage of affordable units from 15% to 25%. [08/07/17 @ 10:57 AM]

**Referred to Programs & Services Committee**

- #235-17**      **Mayor's appointment of Karl Munger to the Biosafety Committee**  
KARL MUNGER, 5 Nightingale Path, Newton, appointed as a member of the BIOSAFETY COMMITTEE for a term to expire September 30, 2020. (60 days 10/13/17) [07/12/17 @ 2:25 PM]
- #236-17**      **Mayor's re-appointment of Edward Marple to the Biosafety Committee**  
EDWARD MARPLE, 12 Ohio Avenue, Newton, re-appointed as a member of the BIOSAFETY COMMITTEE for a term to expire September 30, 2019. (60 days 10/13/17) [07/12/17 @ 2:25 PM]
- #237-17**      **Mayor's re-appointment of John J. Schwartz to the Biosafety Committee**  
JOHN J. SCHWARTZ, 200 Upland Road, Newton, re-appointed as a member of the BIOSAFETY COMMITTEE for a term to expire September 30, 2020. (60 days 10/13/17) [07/12/17 @ 2:25 PM]
- #238-17**      **Mayor's appointment of Geline W. Williams as Library Trustee**  
GELINE W. WILLIAMS, 12 Hereford Road, Waban, appointed as a LIBRARY TRUSTEE for a term to expire June 30, 2020. (60 days 10/13/17) [07/12/17 @ 2:25 PM]
- #239-17**      **Mayor's appointment of Joshua Steirman as Library Trustee**  
JOSHUA STEIRMAN, 90 Atwood Avenue, Newtonville, appointed as a LIBRARY TRUSTEE for a term to expire June 30, 2022. (60 days 10/13/17) [07/12/17 @ 2:25 PM]
- #240-17**      **Mayor's appointment of Jean Notis-McConarty as Library Trustee**  
JEAN NOTIS-McCONARTY, 122 Temple Street, West Newton, appointed as a LIBRARY TRUSTEE for a term to expire June 30, 2020. (60 days 10/13/17) [07/12/17 @ 2:25 PM]
- #241-17**      **Mayor's appointment of Sharon Stout as Library Trustee**  
SHARON STOUT, 9 Elmwood Park, Newton appointed as a LIBRARY TRUSTEE for a term to expire June 30, 2020. (60 days 10/13/17) [07/12/17 @ 2:25 PM]
- #242-17**      **Mayor's re-appointment of Dana Hanson as Library Trustee**  
DANA HANSON, 64 Kingswood Road, Newton, appointed as a LIBRARY TRUSTEE for a term to expire June 30, 2021. (60 days 10/13/17) [07/12/17 @ 2:25 PM]

- #243-17 Mayor's appointment of Julie A. Norstrand to the Council on Aging**  
JULIE A. NORSTRAND, 44 Stearns Street, Newton, appointed as a COMMISSIONER of the NEWTON COUNCIL ON AGING for a term to expire September 30, 2020. (60 days 10/13/17) [08/02/17 @ 2:23 PM]
- #244-17 Mayor's appointment of Donna Murphy to the Council on Aging**  
DONNA MURPHY, 496 Commonwealth Avenue, Newton, appointed as a COMMISSIONER of the NEWTON COUNCIL ON AGING for a term to expire September 30, 2020. (60 days 10/13/17) [08/02/17 @ 2:23 PM]
- #245-17 Mayor's appointment of Chryse Gibson to the Council on Aging**  
CHRYSE GIBSON, 19 Hampden Terrace, Newton, appointed as a COMMISSIONER of the NEWTON COUNCIL ON AGING for a term to expire September 30, 2020. (60 days 10/13/17) [08/02/17 @ 2:23 PM]
- #246-17 Citizens Petition requesting a resolution supporting later high school start time**  
JEFFREY PONTIFF ET AL. submitting a petition, pursuant to Section 10, Section 2 of the City of Newton Charter, requesting a Resolution from the City Council acknowledging the scientifically documented benefits of a later school time and supporting the Newton Public Schools to take action to delay high school start times.[07/28/17 @ 1:30 PM]
- #247-17 Citizens Petition requesting measures limiting City Council action to city issues**  
JANET STERMAN ET AL. submitting a petition, pursuant to Section 2 of the City of Newton Charter, for the City to adopt measures so that all new matters taken under discussion by the City Council pertain solely to the operation of the City; that all matters presented to the City Council pertaining to the operation of the Commonwealth of Massachusetts be referred to state Representatives and Senators representing the City of Newton; and that all matters pertaining to the operation of the United States federal government be referred to the United States Representatives and Senators representing Massachusetts. (90 days: 11/12/17) [07/31/17 @ 10:10 AM]

*The following item was filed after the close of the docket and requires a suspension of the Rules to be referred to Committee:*

- #261-17 Request to recognize September as Childhood Cancer Awareness Month**  
COUNCILOR LIPOF requesting the City Council and the City recognize September as Childhood Cancer Awareness Month. [008/11/17 @ 8:30 AM]

### **Referred to Public Facilities Committee**

**Public hearing assigned for September 6, 2017**

- #196-17 Petition for Drain Extension in Park Avenue**  
ADAM KESSLER, 94 Park Avenue, petitioning for a main drain extension in PARK AVENUE from the existing main drain at Cotton Street 155' ± in a southeasterly direction to a proposed manhole located in front of 94 Park Avenue. (Ward 7) [06/07/17 @ 12:15 PM]  
**PETITIONER TO PAY ENTIRE COST**

***Public hearing assigned for September 6, 2017***

**#248-17      Petition for Drain Extension in Suffolk Road**

MARK DOLINS, 37 Suffolk Road, petitioning for a main drain extension in SUFFOLK ROAD from an existing drain in Suffolk Road 160'± in a northwesterly direction to a proposed drain manhole located in front of 46 Suffolk Road. (Ward 7) [07/18/17 @ 10:20 AM]

**PETITIONER TO PAY ENTIRE COST**

***Public hearing to be assigned for September 6, 2017***

**#249-17      Comcast petition for a Grant of Location on Maple Avenue**

COMCAST petitioning for a grant of location to install 156''± of 1-4" conduit from existing vault at the corner of Church Street to existing vault in front of 25 Maple Avenue.(Ward 1) [08/03/2017 @ 9:15 AM]

***Public hearing to be assigned for September 6, 2017***

**#250-17      Comcast petition for a Grant of Location on Mount Ida Street**

COMCAST petitioning for a grant of location to install 216'± of 1-4" conduit from existing vault near 8-14 Mount Ida Street to pole#24-3 located at the corner of Newtonville Avenue.(Ward 1) [08/03/2017 @ 8:55 AM]

***Public hearing to be assigned for September 6, 2017***

**#251-17      Eversource petition for grant of location in Hammond Street**

EVERSOURCE ENERGY petition for a grant of location to install 45'± of conduit from existing manhole 10776 in a southeasterly direction to upgrade the existing service at house #413 Hammond Street. [(Ward 7) 08/01/17 @ 10:43 AM]

***Public hearing to be assigned for September 5, 2017***

**#252-17      Verizon petition for grant of location on Christina Street**

VERIZON petition for a grant of location to install pole #604/0 with guy and anchor at the corner of Needham and Christina Street and install pole #604/5-1 with guy and anchor on the northerly side, 40' northerly of pole #604/5. [(Ward 5) 07/05/2016 @ 4:33 PM]

***Public hearing to be assigned for September 5, 2017***

**#253-17      Verizon petition for grant of location on Needham Street**

VERIZON petition for a grant of location to install 22' ± of conduit in Needham Street southwesterly from Manhole # 47/301 thence turning northwesterly to proposed relocated Pole #113/31 across from 300 Needham Street and to install 90' of conduit southwesterly in Needham Street from Manhole # 47/301 thence turning northwesterly on to Oak Street to proposed relocated Pole #25/1 on Oak Street.

**#254-17      Verizon petition for grant of location on Christina Street**

VERIZON petition for a grant of location to relocate five poles (#604/1, #604/2, #604/3, #604/4 and #604/5) laterally in a southerly direction on Christina Street. [(Ward 5) 07/05/2016 @ 4:33 PM]

**Referred to Finance Committee**

- #255-17 Mayor's re-appointment of Rosemary Larking to the Taxation Aid Committee**  
ROSEMARY LARKING, 1600 Washington Street, West Newton re-appointed as a member of the NEWTON TAXATION AID COMMITTEE for a term of office to expire April 30, 2018 (60 days 10/13/17) [07/28/17 @ 10:54 AM]
- #256-17 Mayor's re-appointment of Doris F. Breay as Cousens Fund Trustee**  
DORIS F. BREAY, 19 Blake Street, Newton, re-appointed as a Trustee of the Horace Cousens Industrial Fund for a term to expire June 1, 2020. (60 days 10/13/17) [07/12/17 @ 2:25 PM]
- #257-17 Approval of various sidewalk/curb betterments**  
COMMISSIONER OF PUBLIC WORKS requesting approval of the following mentioned sidewalk/driveway apron and/or curb betterments; said betterments to be levied under the provisions of MGL Chapter 83, Sec. 26, authorizing the assessment of betterments for construction:

Address	Owner Name	Book/Page	Sec/Block/Lot	Total Cost
193 Ward Street	OCONNOR PETER ALBERT & OCONNOR SARA VICTORIA	66267/302	73038 0015	\$3,187.50
1445 Commonwealth Ave	BC EAGLES 79 TRUST, OROURKE STACEY S TR	56555/507	32033 0009	\$6,312.50
2 Newbury Terrace	KAUFMAN HOWARD & BOGUSLAW JANET	28587/246	62006 0003	\$2,372.50
69 SouthGate Park	BENES RICHARD H & SUSAN J	28704/327	33031 0018	\$2,307.50
77 FairOaks Ave	FAIR OAKS AVE 77 RLTY TRST, FREEDMAN DONALD N TR	59923/267	21019 0023	\$3,550.00
				<b>\$17,730.00</b>

[08-07-17 @ 2:23 PM]



**#258-17      Acceptance of a grant from Mass DOT for Complete Streets Program**

HIS HONOR THE MAYOR requesting authorization to accept and expend a grant of up to one hundred forty seven thousand five hundred dollars (\$147,500) from the Massachusetts Department of Transportation offered as part of their Complete Streets Program. [08-07-17 @ 2:23 PM]

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

**#259-17      Increase the number of years the City can lease Weeks House**

HIS HONOR THE MAYOR requesting consideration of a request to petition the General Court for special legislation to increase the number of years the City of Newton is authorized to lease the Weeks House from the current period of sixty-five years, as authorized by the Acts of 1981, Chapter 330, to a period of up to ninety-nine years. [08/07/17 @ 2:23 PM]

**Referred to Public Safety & Transportation and Finance Committees**

**#260-17      5-year contract for ambulance services**

HIS HONOR THE MAYOR requesting authorization to enter into an up to 5-year contract for ambulance services. [08-07-17 @ 2:23 PM]