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City Council Reports Docket

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By City Clerk at 4:09 pm, Aug 10, 2017

July 11: Land Use
July 12: Public Facilities
July 17: Zoning & Planning
Aug 8: Land Use
Aug 14: Public Facilities; Program & Services; Finance

Monday, July 10, 2017
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7:45 PM, Newton City Hall
To be reported on
Monday, August 14, 2017

City of Newton In City Council Items to be Acted Upon

Unfinished Council Business

Item Postponed to a Date Certain of August 14, 2017

#126-17 Special Permit to extend nonconforming FAR and front setback at 208 Homer Street
ADIL AND ALEXANDRA DIOURI petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a new attached garage at basement level, family room on first floor and bathroom and closet space on the second floor, extending the nonconforming front setback increasing the nonconforming FAR from .52 to .61 where .41 is allowed at 208 Homer Street, Ward 6, on land known as Section 64 Block 019 Lot 0001, containing approximately 8,321 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 3.1.9, 7.8.2.C.2, 3.1.3 of the City of Newton Rev Zoning Ord, 2015.
Land Use Approved Subject to Second Call 5-0 (Lipof not Voting)

Item Postponed to a Date Certain of August 14, 2017

#108-17 Taking an easement on Mt Ida College property for intersection realignment
HIS HONOR THE MAYOR recommending that the City of Newton take an easement on property owned by Mount Ida College at the southeast corner of the Dedham Street and Carlson Avenue intersection in order to realign the Dedham Street/Brookline Street/Carlson Avenue intersection. Mount Ida College supports the taking of the easement. [04/10/17 @ 9:59 AM]
Public Facilities Approved 6-0-1 (Gentile abstaining)

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.

Referred to Land Use Committee

Tuesday, July 11, 2017

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

- #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 and Postponed to a Date Certain for August 8, 2017
- #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 Held and Postponed to a Date Certain for August 8, 2017
- #146-17** **Special Permit to amend Board Order #229-14 to allow for a swing set**
MICHAEL AND DENA RASHES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #229-14 to allow a swing set on Lot 40 at 93 Bellevue Street, Ward 1, Newton, on land known as Section 12, Block 021, Lots 0039 and 0040, containing approximately 94,410 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.
Land Use Held 8-0
- #183-17** **Special Permit to increase nonconforming FAR and setback at 11 Fairview Street**
ELIAS AND SONYA TEMBELOPOUSLOS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story addition and porch to the rear and side of the house and rebuild the existing front porch, continuing the non-conforming front setback and increasing the FAR from .54 to .64 where .48 is allowed at 11 Fairview Street, Ward 1, on land known as Section 71 Block 21 Lot 09, containing approximately 6,565 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 the City of Newton Rev Zoning Ord, 2015.
Land Use Held 7-0 (Lipof not Voting)

- #129-17** **Special Permit to reduce lot area by 4% at 19-21 Beaconwood Road**
LENTO DEVELOPMENT, LLC/KENNETH LENTO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze and replace a two-family structure and allow a 4% reduction to the required lot area after combining lots at 19-21 Beaconwood Road, Ward 8, on land known as Section 54, Block 22, Lot 0044 and Section 54, Block 022, Lot 0047, containing approximately 9,602 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3, 7.4, 7.8.4.D.4, 7.8.4.D.5, 7.8.4.A of the City of Newton Rev Zoning Ord, 2015.
Land Use Approved 7-1 (Crossley Opposed)
- #132-17** **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 relocation of the inclusionary zoning units by use of the Off-Site Development Option in conjunction with the rehabilitation of the apartment building at 219 Commonwealth Avenue resulting in an increased number of affordable units from the approved site of 179 Kessler Way, Ward 8, on land known as Section 82 Block 037 Lot 0095, 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 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
Land Use Held 8-0
- #130-17** **Special Permit to exceed FAR at 164 Highland Avenue**
ROBERT AND CINDY LAUGHREA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish a portion of the rear dwelling, front porch and detached garage and construct a two-story rear addition and attached garage for more than three vehicles and in excess of 700 sq. ft. increasing the FAR to .28 where .27 is allowed and .19 exists at 164 Highland Avenue, Ward 2, on land known as Section 24, Block 12, Lot 20, containing approximately 22,230 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3, 7.4, 3.1.9, 3.4.2.C.1 of the City of Newton Rev Zoning Ord, 2015.
Land Use Approved 5-1-2 (Lennon Opposed, Schwartz, Auchincloss abstaining)

Referred to Land Use Committee

Tuesday, August 8, 2017

Present: Councilors Laredo (Chair), Schwartz, Lennon, Auchincloss, Cote, Harney, Crossley, Lipof; also present: Councilors Leary, Yates

- #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 Held and Postponed to a Date Certain of September 7, 2017

#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 and Postponed to a Date Certain of September 7, 2017

#146-17

Special Permit to amend Board Order #229-14 to allow for a swing set

MICHAEL AND DENA RASHES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #229-14 to allow a swing set on Lot 40 at 93 Bellevue Street, Ward 1, Newton, on land known as Section 12, Block 021, Lots 0039 and 0040, containing approximately 94,410 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4 of the City of Newton Rev Zoning Ord, 2015.

Land Use Held and Postponed to a Date Certain of September 7, 2017

#183-17

Special Permit to increase nonconforming FAR and setback at 11 Fairview Street

ELIAS AND SONYA TEMBELOPOUSLOS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story addition and porch to the rear and side of the house and rebuild the existing front porch, continuing the non-conforming front setback and increasing the FAR from .54 to .64 where .48 is allowed at 11 Fairview Street, Ward 1, on land known as Section 71 Block 21 Lot 09, containing approximately 6,565 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 the City of Newton Rev Zoning Ord, 2015.

Land Use Approved Subject to Second Call 7-0-1 (Auchincloss abstaining); Public Hearing Closed August 8, 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 parking and waivers to the lot area per unit in a multifamily dwelling at 386-394 WATERTOWN STREET, Ward 1, Newton, on land known as Section 14, Block 14, Lots 35, 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, 5.1.4, 5.11, 5.11.15.A of the City of Newton Rev Zoning Ord, 2015.

Land Use Held 8-0

#60-17

Request to Rezone Hovey Street parcels

SUNRISE DEVELOPMENT, INC./431 WASHINGTON STREET, LLC petition for a change of zone to Business Use 2 for land located at 29 Hovey Street, also identified as Section 12, Block 006, Lot 004, and an unnumbered lot on Hovey Street, also identified as Section 12, Block 006, Lot 003, containing approximately 34,361 sq. ft. of land in a district zoned MULTI RESIDENCE 2, further described as follows:

Beginning at a point on the Westerly side of Hovey Street, said point being

N 21°00'54" W and a distance of one hundred twenty-six and no hundredths (126.00)

feet from a bound at the Northwesterly intersection of Hovey and Washington Streets being the Southeast corner of the parcel herein described; thence

S 69°15'05" W A distance of seventy-three and forty hundredths (73.40) feet to a point; thence

S 69°07'43" W A distance of one hundred forty-five and no hundredths (145.00) feet to a point; thence

N 20°20'22" W A distance of forty-five and fifty hundredths (45.50) feet to a point; thence

N 18°34' 11" E A distance of sixty-one and forty-seven hundredths (61.47) feet to a point; thence

N 21°09'23" E A distance of two and forty-one hundredths (2.41) feet and on the same bearing a distance of thirty-six and eight hundredths (36.08) feet to a point; thence

N 21°31'11" E A distance of one hundred sixteen and eighty-eight hundredths (116.88) feet to a point; thence

N 28°57'55" E A distance of twelve and seventy hundredths (12.70) feet to a point; thence

N 71°07'46" E A distance of sixty-four and fifteen hundredths (64.15) feet to a point; thence

S 21°00'54" E A distance of one hundred thirty-one and no hundredths (131.00) feet and on the same bearing a distance of eighty-three and no hundredths (83.00) feet by the Westerly sideline of Hovey Street to the point of beginning.

Said parcel containing 34,361 square feet or 0.789 acres, more or less.

Land Use Held 8-0

#61-17

Special Permit Petition to construct elderly housing on Washington Street

SUNRISE DEVELOPMENT, INC./431 WASHINGTON STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct elderly housing with services in excess of 20,000 sq. ft. of gross floor area, consisting of 85 living units in a four-story structure not to exceed 48' in height and Floor Area Ratio not to exceed 2.0, extending the existing nonconforming front setback and constructing a retaining wall greater than 4' in a setback at 431 Washington Street, 29 Hovey Street, and the adjacent unnumbered lot to the north on Hovey Street, on land known as Section 12 Block 006 Lots 003, 004, and

005, containing approximately 66,909 sq. ft. of land in districts zoned BUSINESS 2 AND MULTI-RESIDENCE 2. Ref.: 7.3, 7.4, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 4.4.1, 5.1.13, 5.4.2.B, 5.11.11, 6.2.10, 6.2.10.B, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Land Use Held 8-0

#132-17

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 relocation of the inclusionary zoning units by use of the Off-Site Development Option in conjunction with the rehabilitation of the apartment building at 219 Commonwealth Avenue resulting in an increased number of affordable units from the approved site of 179 Kessler Way, Ward 8, on land known as Section 82 Block 037 Lot 0095, 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 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Land Use Held 8-0

Referred to Zoning & Planning Committee

Monday, July 17, 2017

Present: Councilors Hess-Mahan (Chair), Kalis, Leary, Sangiolo, Yates and Baker; absent: Councilors Albright and Danberg; also present: Councilor Crossley

#203-17

Mayor’s appointment of Kathryn Cade to the Conservation Commission

KATHRYN CADE, 195 Islington Road, Auburndale, appointed as an alternate member of the CONERVATION COMMISSION for a term to expire July 31, 2020. (60 days 09/08/17) [06/21/17 @ 12:16 AM]

Zoning & Planning Approved 5-0 (Baker not voting)

#204-17

Zoning ordinance technical amendment

DIRECTOR OF PLANNING & DEVELOPMENT requesting a technical amendment to the Newton Zoning Ordinance, Chapter 30, Section 5.11.15 Incentives, to restore the reference to Sections 4.1 and Section 4.2 for density bonus incentives related to an increase in inclusionary units for residential use in Business and Mixed Use districts which was inadvertently omitted from the ordinance. [06/19/17 @ 5:19 PM]

Zoning & Planning Approved 5-0 (Baker not voting)

#238-16

Zoning amendment for exempt lots definition

COUNCILOR HESS-MAHAN proposing to amend Chapter 30: Zoning Ordinance, Section 7.8.4.C by amending the definition of “exempt lots” to include lots changed in size or shape as a result of an adverse possession claim. [06/30/16 @ 4:12 PM]

Zoning & Planning Held 6-0

- #95-15 Discussion to consider mix of uses at Wells Avenue Office Park**
ALD. CROSSLEY, JOHNSON, LEARY, HESS-MAHAN, DANBERG, ALBRIGHT AND BLAZAR requesting a discussion with the Planning Department to consider the mix of uses in the Wells Avenue Office Park, with and without a second egress to the site, pursuant to the recent MAPC study recommending a strategic introduction of retail and restaurant uses to attract and sustain healthy commercial uses, and some number of residential units sufficient to support an economically viable and vibrant mixed use environment.
[04/13/15 @ 2:46 PM]
Zoning & Planning Held 6-0

Referred to Zoning & Planning, Land Use and Finance Committees

- #273-12 Request to restructure and increase of fees for various permits**
ALD. CROSSLEY & HESS-MAHAN requesting a restructuring and increase in fees for permits charged by the Inspectional Services Department and fees charged by the Planning Department and City Clerk to assure that fees are both sufficient to fund related services provided and simple to administer. [09/10/12 @ 1:17 PM]
Finance voted No Action Necessary on 12/14/15
Land Use voted No Action Necessary on 12/15/15
Zoning & Planning voted No Action Necessary 4-2 (Baker and Kalis opposed)

Referred to Public Facilities Committee

Wednesday, July 12, 2017

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

- #211-17 Eversource petition for grant of location on Centre Street**
EVERSOURCE ENERGY petition for a grant of location to install one pole in front of #559 Centre Street and one anchor guy 100'± in a northerly direction to upgrade existing service. [(Ward 1) 07/03/17 @ 11:16 AM]
Public Facilities Held 5-0
- #212-17 Eversource petition for grant of location in Bigelow Road**
EVERSOURCE ENERGY petition for a grant of location to install 60'± of conduit from manhole 9423 in a westerly direction to provide new service to house #111 Bigelow Road. [(Ward 2) 06/21/17 @ 9:57 AM]
Public Facilities Approved 5-0
- #213-17 Eversource petition for grant of location in Austin Street**
EVERSOURCE ENERGY petition for a grant of location to install 37'± of conduit in Walnut Street from manhole #3386 in a westerly direction onto Austin Street, continuing in a westerly direction 874'± terminating at a proposed manhole in front of Philip Bram Way. [(Ward 2) 06/27/17 @ 8:46 AM]
Public Facilities Approved 5-0

#214-17 Eversource petition for grant of location in Austin Street
EVERSOURCE ENERGY petition for a grant of location to relocate pole #311/4 approximately 57'± westerly as part of the undergrounding of existing service. [(Ward 2) 06/27/17 @ 8:46 AM]
Public Facilities Approved 5-0

#215-17 Taking of a non-exclusive easement at 19-33 Needham Street
HIS HONOR THE MAYOR requesting authorization to take a non-exclusive easement from UBC Equity Partners, LLCC, over and upon a portion of the property known and numbered 19-33 Needham Street, Newton for the purpose of providing passage consistent with the use of the Upper Falls Greenway as a rail-trail, as defined by Massachusetts law, for pedestrians, bicycles, and other types of non-motorized transportation and wheelchairs or similar devices for disabled persons, whether motorized or not, and for emergency vehicles. The request further includes the taking of a temporary construction easement from the same party for the purpose of making, constructing, installing, placing and inspecting improvements in the portion of the Greenway that abuts the land to be taken for easement purposed. [07/03/17 @12:28 PM]
Public Facilities Approved 5-0

Referred to Public Facilities and Finance Committees

#123-17 Pilot Program for curbside food waste collection
COUNCILORS SANGIOLO, NORTON, CROSSLEY, LENNON, AUCHINCLOSS, HARNEY, FULLER, ALBRIGHT, LAPPIN, AND LAREDO requesting the City through the Department of Public Works, pilot a curbside food waste collection program. [04/21/17 @ 11:15 AM]
Public Facilities Held 5-0

#12-16 Discussion with the DPW regarding the City's recycling and solid waste programs
COUNCILOR LEARY, NORTON, KALIS, HESS-MAHAN, ALBRIGHT, AND CROSSLEY requesting an update from and discussion with the Department of Public Works and the Solid Waste Commission on the current status of Newton's solid waste management and recycling program operations and performance objectives, future goals and objectives, staffing, program challenges, and survey data due to be submitted to the Department of Environmental Protection. [12/28/15 @ 8:44 AM]
Public Facilities Held 5-0

Referred to Programs & Services and Public Facilities Committees

#119-14 Discussion with ISD on plans to address City non-compliance with ADA standards
ALD. ALBRIGHT AND CROSSLEY requesting discussion with the Inspectional Services Department to explain the development of short and long term plans to identify and correct buildings, sidewalks, playgrounds, etc.... that do not conform to American

Disability Act (ADA) standards. The discussion should include information on how improvements will be incorporated into the Capital Improvement Plan or if less than \$75,000 into a comprehensive budget plan to correct ADA deficiencies. [03/12/14 @ 4:18 PM]

Public Facilities Held 5-0

#237-15

Update on mitigation funds from Special Permits in Newton Centre

ALD. CROSSLEY, LAREDO, and SCHWARTZ requesting an update on funds accrued from voluntary contributions from Special Permits in Newton Centre, which can be made available to complete a safe pedestrian crossing at 714-724 Beacon Street via Special Permit Board Order #1-15 and conditions noted therein. 09/14/15 @ 10:40 AM]

Public Facilities voted No Action Necessary 5-0

#200-15

Update on the strategic plan for street and sidewalk improvements

ALD. LAREDO requesting that the Department of Public Works provide an update on the creation of a strategic plan for the improvement of streets and sidewalks in the City. [08/13/15 @ 11:20 AM]

Public Facilities voted No Action Necessary 5-0