



## City Council Actions

### In City Council

**Tuesday, January 19, 2021**

**Present:** Councilors Baker, Bowman, Crossley, Danberg, Downs, Gentile, Greenberg, Grossman, Humphrey, Kalis, Kelley, Krintzman, Laredo, Leary, Lipof, Malakie, Markiewicz, Noel, Norton, Ryan, Wright & Albright.

**2 Vacancies**

**The City Council discussed the following item on Second Call:**

**#522-20      Petition to retaining wall greater than 4' in the setback at 17 Wallace Street**

ALI KIAPOUR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a retaining wall in excess of four feet in height within the side and rear setbacks at 17 Wallace Street, Ward 8, Newton Highlands, on land known as Section 83 Block 34 Lot 18, containing approximately 5,000 sq. ft. in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approval Failed to Carry 3-0-3 (Councilors Greenberg, Kelley, Bowman abstaining)**

**Motion to recommit to the Land Use Committee was approved unanimously by voice vote.**

**Clerk's Note:**

**The City Council voted without discussion 22 Yeas, with 2 Vacancies to Accept the Committee Recommendations on the following items:**

**Referred to Land Use Committee**

Tuesday, January 5, 2021

**#4-21      Class 1 Auto Dealer License  
VILLAGE MOTORS GROUP, INC. D/B/A HONDA VILLAGE  
371 Washington Street**

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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.

Newton, MA. 02458

**Land Use Approved 7-0**

**#5-21**

**Class 2 Auto Dealer License**

JACOB & ASSOCIATES  
1232 Washington Street  
Newton, MA. 02465

**Land Use Approved 7-0**

**#6-21**

**Class 2 Auto Dealer License**

MOTORCARS OF BOSTON, INC.  
1191 Washington Street  
Newton, MA. 02465

**Land Use Approved 7-0**

**#7-21**

**Class 2 Auto Dealers License**

SONOMA CLASSICS LLC.  
1215 Chestnut Street/145 Wells Avenue  
Newton, MA. 02464

**Land Use Approved 7-0**

**#129-14(2)**

**Amended Petition to amend Board Order #129-14 to increase nonconforming FAR at 96 Lenox St**

JEREMY SHINEWALD petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit orders #129-14 to raze an existing detached three-car garage and construct an attached two-car garage and mudroom addition, as well as enclose an existing porch, creating an FAR of .48 where .44 exists and .29 is allowed at 96 Lenox Street, Ward 3, West Newton, on land known as Section 32 Block 49 Lot 07, containing approximately 19,071 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 7-0; Public Hearing Closed 01/05/2021**

**#425-20**

**Petition to allow accessory apartment and extend front setback at 146 Langley Road**

BOGDAN AND MARIA PILAT petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition to accommodate an internal accessory apartment in excess of 1,000 sq. ft., extending the nonconforming front setback and to construct a three-car rear garage at 146 Langley Road, Ward 6, Newton Centre, on land known as Section 61 Block 41 Lot 02, containing approximately 10,312 sq. ft. of space in a district zoned MR1. Ref: Sec. 7.3.3, 7.4, 6.7.1.D.2, 3.2.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 7-0; Public Hearing Closed 01/05/2021**

**Referred to Land Use Committee**

Tuesday, January 12, 2021

- #513-18(2) Request for Extension of Time to Exercise Special Permit #513-18 43 Kenwood Avenue**  
MARK AND MARTHA FISHMAN petition for a TWO-YEAR EXTENSION OF TIME to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL to allow construction of a 161 sq. ft. second floor addition, in the existing footprint of the house, exceeding the maximum allowable FAR of at 43 Kenwood Avenue, Ward 6, Newton Centre, on land known as Section 64 Block 20 Lot 22, containing approximately 10,652 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Said Extension of Time to Run from November 19, 2019 to November 19, 2021. Ref: Sec. 7.3, 7.4, 7.8.2.C.2, 3.1.9 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 6-0**
- #259-19(2) Request for Extension of Time to Exercise Special Permit #259-19 at 264 Pearl Street**  
BENEDETTO CAIRA, TRUSTEE petition for a ONE-YEAR EXTENSION OF TIME to EXERCISE by Special Permit Council Order #259-19 approved on December 2, 2019 to allow for the construction of three single-family attached dwelling units at 264 Pearl Street, Ward 1, Newton, on land known as Section 11 Block 14 Lot 10, containing approximately 14,608 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Said Extension of Time to Run from December 2, 2020 to December 2, 2021. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 5.4.2.B, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 6-0**
- #521-20 Petition to exceed FAR and allow oversized accessory apartment at 26 Gilbert Street**  
BEATA SHAPIRO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to enclose a second-floor porch, over the garage, creating an oversized internal accessory apartment and creating an FAR of .64 where .58 is allowed and .58 exists at 26 Gilbert Street, Ward 4, West Newton, on land known as Section 33 Block 02 Lot 25, containing approximately 5,000 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.1.11, 6.7.1.D.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 6-0; Public Hearing Closed 01/12/2021**
- #400-20 Petition to exceed FAR and extend number of stories at 727 Centre Street**  
ZAILI CHEN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct additions to the third story, extending the nonconforming number of stories and creating an FAR of .50 where .45 exists and .35 is allowed at 727 Centre Street, Ward 2, Newton, on land known as Section 13 Block 16 Lot 08, containing approximately 12,880 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, 7.8.2.2 3.2.3, 1.5.4.G.2.b of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 6-0; Public Hearing Closed 11/10/2020**
- #523-20 Petition to allow increased lot coverage and decreased open space at 13 Prospect St**  
KATHERINE JORDAN-QUERN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Variance #4-13 to allow the enclosure of first-level space to be used for additional living space, creating an FAR of .75 where .54 is required and .66 exists, further reducing

the minimum open space and exceeding maximum lot coverage at 13 Prospect Street, Ward 3, West Newton, on land known as Section 33 Block 03 Lot 09 containing approximately 6,611 sq. ft. in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.2.11, 7.8.2.C.2, 7.6 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 6-0; Public Hearing Closed 01/12/2021**

**#14-20(2)**

**Petition for free-standing sign at 287-289 Newtonville Avenue**

POFCO, Inc. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a free-standing sign (3.75' high x 8' wide) and to amend the site plan approved by Special Permit Board Order #14-20 at 287-289 Newtonville Avenue, Ward, 2 Newtonville, on land known as Section 22 Block 01 Lots 17 and 13, containing approximately 72,643 sq. ft. of land in a district zoned MANUFACTURING and MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 5.2.3, 5.2.8, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 6-0; Public Hearing Closed 01/12/2021**

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

Wednesday, January 6, 2021

**#491-20**

**Appointment of Rakashi Chand as a Jackson Homestead Trustee**

HER HONOR THE MAYOR appointing RAKASHI CHAND, 80 Wade Street, Newton, as a Trustee of the Jackson Homestead for a term to expire on December 15, 2023. (60 Days: 02/05/21)

**Programs & Services Approved 7-0 (Councilor Baker not voting)**

**#450-20**

**Request for Ordinance Amendments in Chapter 2 to add Juneteenth**

HER HONOR THE MAYOR requesting authorization to amend Chapter 2 Art II, Div 1, §§ 2-26 "Holidays established", by adding June the nineteenth, or "Juneteenth Independence Day" which is now an official state holiday. Additional changes are requested for §2-26; (a) to reflect longstanding practices related to Saturday holidays, the "Mayor's Half Day", and floating holidays.

**Programs & Services Approved 7-0 (Councilor Baker not voting)**

**#489-20**

**Reappointment of Michelle Freshman to Health & Human Services Advisory Council**

HER HONOR THE MAYOR reappointing MICHELLE FRESHMAN, 39 Gray Cliff road, Newton, as a member of the HEALTH AND HUMAN SERVICES ADVISORY COUNCIL for a term to expire on January 1, 2024. (60 days: 02/05/21)

**Programs & Services Approved 7-0 (Councilor Baker not voting)**

**#490-20**

**Reappointment of Rebecca Mozaffarian to Health & Human Services Advisory Council**

HER HONOR THE MAYOR reappointing REBECCA MOZAFFARIAN, 38 Gammons Road, Waban, as a member of the HEALTH AND HUMAN SERVICES ADVISORY COUNCIL for a term to expire on January 1, 2024. (60 Days: 02/05/21)

**Programs & Services Approved 7-0 (Councilor Baker not voting)**

**#492-20 Reappointment of Marietta Marchitelli as a Jackson Homestead Trustee**  
HER HONOR THE MAYOR reappointing MARIETTA MARCHITELLI, 100 Waverly Avenue, Newton, as a Trustee of the Jackson Homestead for a term to expire on November 1, 2023. (60 Days: 02/05/21)

**Programs & Services Approved 7-0 (Councilor Baker not voting)**

**#493-20 Reappointment of Russel Feldman as a Jackson Homestead Trustee**  
HER HONOR THE MAYOR reappointing RUSSEL FELDMAN, 85 Langley Road, Newton, as a Trustee of the Jackson Homestead for a term to expire on November 1, 2023. (60 Days: 02/05/21)

**Programs & Services Approved 7-0 (Councilor Baker not voting)**

**Referred to Public Facilities Committee**

Wednesday, January 6, 2021

**#532-20 Eversource petition for grant of location in Lowell Ave**  
EVERSOURCE ENERGY petition for a grant of location to install 61'± of conduit from existing manhole #12902 in a southerly direction thence turning and continuing in an easterly direction to the property line at #360 Lowell Avenue. [(Ward 2)]

**Public Facilities Approved 8-0**

**Referred to Finance Committee**

Monday, January 11, 2021

**#25-21 Appropriate \$1,137,285 from Free Cash for Permitting Management System**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million one hundred thirty-seven thousand two hundred and eighty-five dollars from June 30, 2020 Certified Free Cash to fund the implementation of the City's municipal information and permitting management system.

**Finance Approved 6-0**

**#23-21 Accept \$25,600 in grant funds from Mass Emergency Management Agency**  
HER HONOR THE MAYOR requesting authorization to accept and expend a grant from the Massachusetts Emergency Management Agency (MEMA) in the amount of twenty-five thousand, six hundred dollars (\$25,600) to purchase equipment for the City's emergency operations management function.

**Finance Approved 4-0 (Councilors Norton and Noel not voting)**

**#24-21 Authorization to expend a Mass Dept of Public Health grant**  
HER HONOR THE MAYOR requesting authorization to accept and expend a grant in the amount of forty-nine thousand four hundred and fifty-seven dollars (\$49,457) from the Mass Dept of Public Health to supplement staffing support in the City's Department of

Health and Human Services.

**Finance Approved 4-0 (Councilors Norton and Noel not voting)**

**Late Filed Docket Items:**

*Suspensions of the Rules to allow the following two late filed items to be accepted to the docket and referred to Committee were approved by voice vote.*

**Referred to Finance Committee**

**#40-21**

**Reappointment of Allan Cohen to the Board of Assessors**

HER HONOR THE MAYOR reappointing ALLAN S. COHEN, 12 Philmore Road, Newton, as a member of the Board of Assessors for a term to expire on February 1, 2023. (60 Days: 03/20/21)

**Referred to Zoning & Planning Committee**

**#41-21**

**Zoning Amendments for Marijuana Establishments**

THE DIRECTOR OF PLANNING AND DEVELOPMENT requesting amendments to the Newton Zoning Ordinance, Chapter 30, Sections 4.4 and 6.10, to amend the regulations for marijuana establishments to be consistent with the regulations put forth by the Cannabis Control Commission on January 8, 2021.

**Public Hearings were assigned for the following Items:**

***Public Hearing Assigned for February 2, 2021***

**#314-20**

**Petition to allow four single-family attached dwelling units at 23 Johnson Place**

CREATING HOMES LLC/MICHAEL LOHIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow ~~four~~ three single-family attached dwelling units in two structures, to allow a retaining wall in excess of 4' and to allow a driveway within ten feet of the side lot line, to allow a driveway within 10' of the side lot line and parking within 20' at 23 Johnson Place, Ward 4, Auburndale, on land known as Section 41 Block 7 Lot 14, containing approximately 16,767 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.4, 5.4.2.B, 6.2.3.B.2, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing Assigned for February 2, 2021***

**#29-21**

**Petition to allow single-family attached dwellings at 145 Warren Street**

NORTON POINT WARREN STREET, LLC/CREH WARREN STREET D/B/A CIVICO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwelling units, to reduce the required side setback, to increase allowed lot coverage, to allow a driveway within 10' of the side lot line and to allow retaining walls of four feet or more in height within a setback at 145 Warren Street, Ward 6, Newton Centre, on land known as Section 61 Block 39 Lot 10, containing approximately 23,399 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 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, 2017.

***Public Hearing Assigned for February 2, 2021***

**#30-21**      **Petition to allow changes to the approved site plan at 2171 Commonwealth Avenue**  
THEODOROS VENTOURIS AND ANGELINA VENTOURIS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Orders #94-16 and #227-17 to substitute the previously approved site plan with an as-built site plan reflecting additional features which include changes to paving, landscaping, the addition of a paved patio area and additional stone pillars at 2171 Commonwealth Avenue, Ward 4, Auburndale, on land known as Section 41 Block 18 Lot 32A, containing approximately 20,952 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing Assigned for February 2, 2021***

**#31-21**      **Petition to extend nonconforming FAR and two-family use at 66-68 Warwick Road**  
LENA GAGLIARDI/FRANCISCO GAGLIARDI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to enclose a second-floor porch, extending the nonconforming FAR and the nonconforming two-family use at 66-68 Warwick Road, Ward 3, West Newton, on land known as Section 31 Block 27 Lot 35, containing approximately 5,673 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, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing Assigned for February 8, 2021***

**#485-20**      **Economic Development Commission requesting City Ordinance amendments**  
ECONOMIC DEVELOPMENT COMMISSION requesting an amendment of Sections 4.4.1 (Business, Mixed Use & Manufacturing Districts), 6.4.28 (Research and Development), and 6.5.9 (Laboratory and Research Facility) in order to clarify inconsistencies in the way Research and Development is treated in the use tables and definitions. Providing clarity in where Research and Development uses are allowed is necessary to diversity Newton's Economy, make Newton competitive with surrounding communities in attracting 21<sup>st</sup> century industries and jobs, and raise Newton's commercial tax revenue and implement recommendation from the 2019 Newton Strategic Plan (Camoin study).

***Public Hearing Assigned for February 9, 2021***

**#32-21**      **Petition to allow single-family attached dwellings at 63-65 Broadway**  
GILBERT AND DEBORAH HO petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow three single-family attached dwelling units, to waive side setback requirements, to allow parking in the front setback, to allow parking within 20' and a driveway within 10' of a side setback at 63-65 Broadway, Ward 1, Newtonville, on land known as Section 53 Block 33 Lot 04, containing approximately 18,000 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref. Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 5.1.7.A, 5.1.13, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing Assigned for February 9, 2021***

**#33-21**      **Petition to allow a lab and research facility at 275 Grove Street**  
ALEXANDRIA REAL ESTATE EQUITIES, INC/ARE-MA REGION NO 76 petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow operation of a laboratory and research facility in 62,531 sq. ft. of space within the building at 275 Grove Street, Ward 4, Auburndale, on land known as Section 43 Block 29 Lot 24, containing approximately 487,578 sq. ft. of land in a district zoned BUSINESS USE 4. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.5.9.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.