



## City Council Reports Docket

November 28: Finance; Zoning & Planning  
November 29: Land Use

Monday, November 21, 2016  
Continued  
Page 269  
7:45 PM, Newton City Hall  
To be reported on  
**Monday, December 5, 2016**

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

#### Referred to Land Use Committee

Tuesday, November 29, 2016

Present: Councilors Laredo (Chair), Schwartz, Lennon, Lipof, Crossley, Auchincloss, Harney, Cote; also present: Councilors Leary, Fuller, Norton, Baker, Yates, Brousal-Glaser.  
Planning & Development Board present: Peter Doeringer, Jonathan Yeo.

**#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  
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

---

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.

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.

**Land Use Held 8-0.**

**#179-16**

**Special Permit Petition for Orr Building at Walnut St. and Washington St.**

MARK NEWTONVILLE,LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit oriented development in excess of 20,000 sq. ft. consisting of three interconnected buildings with building heights of 60 feet and five stories, total gross floor area of 238,075 sq. ft., incorporating 171 residential units, approximately 39,745 sq. ft. of commercial space to permit office use, medical use, retail and personal establishment of more than 5,000 sq. ft., eating and drinking establishments of more than 5,000 sq. ft. retail banking and financial services and health club establishments, and approximately 2,030 sq. ft., of office/community space; 346 on-site parking stalls within a below-grade garage and surface parking, and to allow an FAR of 1.92; waive the setback and façade transparency, waiver of 97 parking stalls and dimensional requirements for parking stalls, interior landscaping, lighting, curbing, wheel stops, guard rails and bollards, waive entrance and end stall maneuvering space requirements, waive number of signs and allow for free-standing signs and loading bay at 241-261 Walnut Street, 845-875 Washington Street, 0-22 Bailey Place, 6-22 Washington Terrace, Ward 2, Newtonville, on land known as SBL 21029 0010, 21029 0011, 21029 0012, 21029 0017, 21029 0016, 21029 0018, 21029 0019, 21029 0019A, 21029 0013, 21029 0014, 21029 0015, 21029 0020, 21029 0021, 21029 0022, 21029 0023, containing approximately 123,956 sq. ft. of land in a district zoned BUSINESS USE 1 and BUSINESS USE 2. Ref:7.3.3, 7.4, 4.2.3, 4.2.5.A.2, 4.2.5.A.4.c, 4.2.5.A.4, 4.2.5.A.6.a, 4.2.5.A.6, 4.2.5.A.6.b, 4.2.5.A.6, 4.4.1, 5.1.4.A, 5.1.4.C, 5.1.4, 5.1.13, 5.1.8.A.2, 5.1.8.B.1, 5.1.8.B.2, 5.1.10.B.3, 5.1.8.B.6, 5.1.9.B, 5.1.10.A.1, 5.1.10.B.5, 5.1.12, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Public Hearing Opened on June 7, 2016 and continued to July 12, September 13, October 6, 2016, November 1, 2016 and November 29, 2016.**

**Land Use Held 8-0.**

**Referred to Zoning & Planning Committee**

Monday, November 28, 2016

Present: Councilors Hess-Mahan (Chair), Danberg, Kalis, Yates, Baker and Kalis; absent: Councilors Sangiolo, Leary and Albright; also present: Councilors Lennon and Crossley  
Planning & Development Board present: Peter Doeringer, Megan Meirav, Jonathan Yeo and Barney Heath

- #222-13(6) Zoning amendment to further delay effective date of Garage Ordinance**  
COUNCILORS ALBRIGHT, LENNON, CROSSLEY, DANBERG, LIPOF, FULLER AND COTE proposing an amendment to Ordinance No. A-78, which amends Chapter 30, Section 3.4.4 of the Revised Ordinances, to implement a deferred effective date for the Ordinance of April 1, 2017. [10-31-16 @ 3:51 PM]  
**Public Hearing Closed; Zoning & Planning Approved 3-1-1 (Baker opposed; Hess-Mahan abstaining)**
- #222-13(5) Zoning amendment to Garage Ordinance**  
COUNCILOR HESS-MAHAN proposing to amend Chapter 30, Section 3.4.4. of Revised Ordinances as amended by Ordinance A-78, as follows: (1) allow front facing garages that are no closer to the front lot line than the longest front facing wall, or a front porch at least 6 feet wide, to be the greater of up to 12 feet wide or 50% of the total length of the building parallel to the street; (2) allow front-facing garages that are closer to the front setback than the rest of the building and at least 24 feet from the front lot line to be up to 40% of the total length of the building parallel to the street; (3) delete Sec. 3.4.4.F "Exemptions"; and (4) add a provision grandfathering permits requested or construction begun on or after the date of the notice of public hearing on Ordinance A-78 [08/01/16 @ 4:58 PM]  
**Public Hearing Closed on 9/26/16; 90 Days: 12/26/16**  
**Zoning & Planning Held 4-1-0 (Baker opposed)**
- #222-13(7) Additional zoning amendment to Garage Ordinance**  
COUNCILORS ALBRIGHT, LENNON, CROSSLEY, DANBERG, LIPOF, FULLER AND COTE proposing to amend Chapter 30, Section 3.4.4. of the Revised Ordinances as amended by Ordinance A-78, as follows: (1) limit the application of a maximum (45%) proportional width of garage to total building to all lots in MR districts; and/or (2) limit the application of a maximum (45%) proportional width of garage to total building to lots in SR districts having a maximum frontage of 70 feet; and/or (3) use the special permit process to determine exceptions providing clear and specific guiding criteria, such as preservation of historic properties, topography, odd lot configurations, preservation of certain natural features, etc., where such features may prohibit otherwise safe access to or parking on a site.  
[10/31/16 @ 3:51 PM]  
**Zoning & Planning Held 4-0-1 (Baker abstaining)**

**Referred to Finance Committee**

Monday, November 28, 2016

Present: Councilor Gentile, Ciccone, Norton, Brousal-Glaser, Rice, Blazar, Fuller, and Lappin; also present: Councilor Auchincloss

- #378-16      Approval of the proposed Debt Management Policy**  
HIS HONOR THE MAYOR requesting approval of the proposed City of Newton Debt Management Policy dated October 31, 2016. [10/31/16 @ 2:07 PM]  
**Finance Approved 5-0-3 (Blazar, Brousal-Glaser, Lappin abstaining)**
- #398-16      Authorization to expend Byrne Memorial Justice Assistance Grant of \$94,863**  
HIS HONOR THE MAYOR requesting authorization to accept and expend the Edward J. Byrne Memorial Justice Assistance Grant in the amount of ninety-four thousand eight hundred sixty-three dollars and twenty cents (\$94,863.20) for the purpose of continuing to fund a Jail Diversion Clinician. [11/17/16 @12:56 PM]  
**Finance Approved 7-0 (Norton not voting)**

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

- #381-16      Appropriate \$405,900 to supplement School Department busing costs**  
HIS HONOR THE MAYOR requesting authorization to appropriate and expend four hundred five thousand nine hundred dollars (\$405,900) from the Override Stabilization Fund for the purpose of supplementing busing costs incurred by the Newton Public Schools in transporting student from the Zervas Elementary School neighborhood to the Carr School during the 2016-2017 school year. [10/31/16 @ 2:06 PM]  
**Programs & Services Approved 4-0 (Leary not voting) on 11/09/16**  
**Finance Approved 8-0**
- #377-16      Authorization to enter into 5-year school bus contract**  
HIS HONOR THE MAYOR requesting authorization in accordance with MGL chapter 30B, Sec. 12 to permit the Newton Public Schools to solicit bids and enter into a 5-year contract for school bus transportation including the METCO bus services. [10/31/16 @ 2:06 PM]  
**Finance Approved 8-0**

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

- #31-15(4)      Amend Chapter 20 Section 51 Civil Fine for Littering to Include Yard Waste**  
PROGRAMS & SERVICES COMMITTEE requesting that the City of Newton Ordinances Chapter 20, Section 51, Depositing of Litter, be amended to include leaves, yard waste, and other similar material, and that civil fines be associated with violations of the section and added to Chapter 20, Section 21. [03/24/16 @1:41 PM]  
**Prog & Serv Approved 5-0 (Councilor Schwartz not voting) on 10/19/16**  
**Finance Approved 8-0**