



City Council Docket

August 10: Land Use
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Monday, August 9, 2021
7:45 PM, Virtual
To be reported on
Thursday, September 9, 2021

The City Council will hold this meeting as a virtual Zoom meeting on Monday, August 9, 2021, at 7:45 pm. To view this meeting use this link at the above date and time:

<https://us02web.zoom.us/j/86418247203>

One tap mobile

US: +13017158592,,86418247203# US

Land line

US: +1 301 715 8592

Meeting ID: 864 1824 7203

You may also:

1. Watch a live broadcast of the meeting on NewTV's government channel (Comcast 9, RCN 13, 614(HD), Verizon 33).
2. Viewing a live stream on NewTV's Vimeo channel at: <https://vimeo.com/newtvgov>

City of Newton

In City Council to be Accepted and Referred to Committees

Referred to Land Use Committee

#291-21

Request for Extension of Time to Exercise Special Permit #319-19

DANTE CAPASSO/PICARIELLO REALTY TRUST/DSP REALTY TRUST petition for an EXTENSION OF TIME to EXERCISE Special Permit Council Order #319-19 to allow a 24-unit multi-family dwelling with a below grade parking garage and surface stalls 51,870 sq. ft. of land at 15-21 Lexington Street, Ward 4, West Newton, on land known as Section 41 Block 35 Lots 2-5 in a district zoned SINGLE RESIDENCE 3 (to be rezoned to MU3). Ref: Sec. 7.3.3, 7.4, 3.4.1, 5.1.8.B.2, 5.1.13, 5.1.8.B.6, 5.1.9.A, 5.1.9.B, 5.1.10.A.1 of the City of Newton Revised Zoning Ord, 2017.

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, *please contact Jini Fairley, at least two days in advance of the meeting:* jfairley@newtonma.gov, or 617-796-1253. For Telecommunications Relay Service dial 711.

Public Hearing to be Assigned for August 24, 2021

#327-21 Petition to amend Special Permit for Turtle Lane at 283 Melrose Street

TURTLE LANE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Conditions #1 and #27 of Special Permit #480-14(4) to allow for reductions in the minimum stall dimensions, maneuvering aisle width, to allow restricted end parking stalls on the garage plan previously approved and to allow changes to the unit sizes as needed at 283 Melrose Street, Ward 4, Auburndale, on land known as Section 41 Block 14 Lot 10, containing approximately 43,773 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.B.6, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for September 13, 2021

#292-21 Petition to allow free-standing sign at 431 Washington Street

SUNRISE OF NEWTON PROPCO LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to install a 22.5 sq. ft. free-standing sign on the Washington Street frontage and to amend Special Permit Council Order #61-17 on the property located at 431 Washington Street, 29 Hovey Street and an unnumbered lot on Hovey Street in Ward 1, Newton, on land known as Section 12 Block 06 Lots 03, 04 and 05, containing approximately 66,909 sq. ft. in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 5.2.3, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for September 21, 2021

#293-21 Petition to allow 28-unit dwelling at 967 Washington, 92&96 Walker Street

ROGERS & COMPANY INC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 28-unit three-story multi-family dwelling with underground parking, to waive 26 parking stalls and to alter and extend a non-conforming front setback at 967 Washington Street, 92 and 96 Walker Street, Ward 2, Newtonville, on land known as Section 21 Block 33 Lots 1-3, containing approximately 34,210 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.6, 7.8.2.C.2, 5.1.4, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for September 21, 2021

#294-21 Petition to allow detached accessory apartment at 39 Adella Avenue

NAOMI FRANKEL petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow an accessory building with a ground floor area greater than 700 sq. ft., to allow a detached accessory apartment with reduced setbacks, to allow a dormer wider than 50% of the exterior wall below and to allow a dormer within 3' of the intersection of the roof and the wall plane at 39 Adella Avenue, Ward 3, West Newton, on land known as Section 31 Block 13 Lot 02, containing approximately 10,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 6.7.1.E.1, 3.1.3, 6.7.1.E.5, 1.5.4.G.1.b, 1.5.4.G.1.c, 3.4.3.A.4 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for September 13, 2021

#295-21 Petition to waive 2 parking stalls at 405-411 Watertown Street

TIMOTHY DREHER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to waive 2 parking stalls to accommodate a new physical therapy office use in place of the former bank use at 405-411 Watertown Street, Ward 1, Newton, on land known as Section 14 Block 08 Lot 01, containing approximately 3,871 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 5.1.4, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for September 28, 2021

#296-21 Petition to amend Special Permit #106-13 to allow garage bay at 414 Watertown Street

ANTOINE DAHER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #106-13 to allow for construction of a third garage bay at 414 Watertown Street, Ward 1, Newton, on land known as Section 14 Block 15 Lot 24, containing approximately 10,992 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for September 21, 2021

#297-21 Petition to allow ground floor residential use and 2.5 story structure at 55 Colella Road

MICHAEL LOHIN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 2.5 story two-unit dwelling in excess of 24', with ground floor residential use and to allow parking within five feet of the street at 55 Colella Road, Ward 8, Newton Centre, on land known as Section 84 Block 15 Lot 01, containing approximately 7,541 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 4.1.3, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for September 21, 2021

#298-21 Petition to extend nonconforming FAR and lot coverage at 158 Parmenter Road

RACHEL AND MARKO ROSENFELDT petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing detached garage and replace it with an attached garage and second story addition, increasing the non-conforming FAR and non-conforming lot coverage at 158 Parmenter Road, Ward 3, West Newton, on land known as Section 34 Block 47 Lot 01, containing approximately 4,990 sq. ft. 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 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for September 28, 2021

#299-21 Petition to allow marijuana retailer at 131 Rumford Avenue

PHARMACANNIS MASSACHUSETTS INC. D/B/A/ VERILIFE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a retail marijuana establishment, to allow parking facility requirements to be met off-site, to waive the minimum driveway width requirement, to waive perimeter screening requirements, to waive lighting requirements and to waive the 25% façade transparency requirement at 131 Rumford Avenue, Ward 4, Auburndale, on land known as Section 41 Block 31 Lot 50, containing approximately 20,443 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.1, 5.1.6.A, 5.1.6.B, 5.1.8.D.1, 5.1.13, 5.1.9.A, 5.1.10, 6.10.3.E.15 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for September 28, 2021

#300-21 Request to Rezone two parcels at 304-306 Walnut Street

JH REAL ESTATE LLC petition for to rezone two parcels; 304 Walnut Street (Section 22 Block 05 Lot 33) from Business Use 1 and 306 Walnut Street (Section 22 Block 05 Lot 30) from Multi Residence 1 to Mixed Use 4.

Public Hearing to be Assigned for September 28, 2021

#301-21 Petition to allow 27-unit mixed use building at 304-306 Walnut Street

JH REAL ESTATE LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 27-unit mixed use development in excess of 20,000 sq. ft., to allow a building height of 60' and FAR of 2.50, to allow five stories, to waive the minimum lot area per unit requirement, to reduce the side setback requirement, to reduce the setback requirement for portions of the building greater than 40' in height, to allow 1.25 parking stalls per dwelling unit, to waive 37 parking stalls, to allow parking in the side setback, to allow parking within five feet of a building containing dwelling units, to waive the parking stall width requirement, to waive perimeter screening requirements and to waive lighting requirements at 304-306 Walnut Street, Ward 2, Newtonville, on land known as Section 22 Block 05 Lots 30 and 33, containing approximately 14,038 sq. ft. of land in a district zoned BU1 and MR1 (to be rezoned to MU4). Ref: Sec. 7.3.3, 7.4, 4.2.2.B.1, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.3, 4.2.5.A.2, 4.2.3, 4.2.5.A.4.b, 4.2.5.A.4, 4.2.5.A.4.c, 5.1.4, 5.1.4.A, 5.1.13, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.B.1, 5.1.9.A, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for September 28, 2021

#302-21 Petition to amend Special Permit #201-17 at 386-394 Watertown Street

JLM REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Order #201-17 to allow the reconfiguration of the parking stalls, to waive one parking stall, to reduce minimum maneuvering aisle width, to allow restricted end parking stalls and to waive lighting requirements at 386-394 Watertown Street, Ward 1, Newton, on land known as Section 14 Block 14 Lots 35, 37 and 38, containing approximately 9,542 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 5.1.4, 5.1.13, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for October 5, 2021

#303-21 Petition to increase non-conforming FAR at 107 Hobart Road

PAULITA DAVID petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow the construction of a two-story, 317 sq. ft. side addition, further increasing the nonconforming FAR at 107 Hobart Road, Ward 7 Newton Centre, on land known as Section 61 Block 06 Lot 01, containing approximately 10,729 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 the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be Assigned for October 5, 2021

#304-21 Request to Rezone 11 Florence Street

SUNRISE DEVELOPMENT, INC petition to rezone 11 Florence Street, known as section 82 Block 04 Lot 49 from MULTI RESIDENCE 1 to BUSINESS USE 2.

Public Hearing to be Assigned for October 5, 2021

#305-21 **Petition to construct elderly housing with services at 11 Florence and 318 Boylston St**
SUNRISE DEVELOPMENT, INC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to elderly housing with services, to allow a development in excess of 20,000 sq. ft., to allow a four-story building, to allow a retaining wall greater than 4' in height within a setback, to allow free-standing signs, to allow parking in the front setback, to reduce the required parking stall length, to waiver perimeter screening requirements and to waive one foot candle lighting at 11 Florence Street, Ward 8, Newton Centre, on land known as Section 82 Block 04 Lots 47 and 49, containing approximately 82,945 sq. ft. of land in a district zoned BU2 (318 Boylston Street) and MR1 (11 Florence Street, to be rezoned to BU2). Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.2.10, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.4.2.B, 5.1.8.A.1, 5.1.13, 5.1.9, 5.1.8.B.2, 5.1.10.A.1, 5.13, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

#306-21 **Appointments to the Riverside Neighborhood Liaison Committee**
PRESIDENT ALBRIGHT appointing the following individuals to the Neighborhood Liaison Committee as established in Condition 46 of Special Permit #27-20 granted on October 19, 202 to MD 399 Grove Owner, LLC, Ramirez Concord, LLC, BH Normandy Riverside LLC for a mixed-use development with residences, retail, office, lab and research facilities and accessory and non-accessory parking facilities, adjacent to the Riverside MBTA station at 355 and 399 Grove Street in Ward 4.

Neighborhood representative(s): Liz Mirabile, 19 Hallron Road
Barbara Gruenthal, 10 Asheville Road
Italo Visco, 66 Grove Street
Phil Wallas, 340 Wolcott Street

Referred to Zoning & Planning Committee

#307-21 **Requesting a conversation about Newton's Subsidized Housing Inventory (SHI)**
COUNCILORS LUCAS, LAREDO AND OLIVER, requesting a conversation with the Director of Planning and Development about Newton's Subsidized Housing Inventory (SHI) and progress towards meeting the affordable housing safe harbor and a request to post the SHI on the City's website.

Referred to Zoning & Planning and Public Facilities Committees

#324-21 **Requesting an update on the status of implementing the Climate Action Plan**
PUBLIC FACILITIES and ZONING & PLANNING COMMITTEES requesting an update from the Sustainability Team and appropriate staff on the status of implementing Climate Action Plan measures, expanding municipal energy efficiency and renewable energy programs as follows:
Newton Power Choice participation rates, municipal power purchasing contracts for gas and electricity; Solar Power Purchase Agreement including operational and

PV installations under construction, municipal energy consumption (DOER report) Green Communities grant funded efficiency projects to date, Energy Coach/ "4 our Future" program and zoning ordinances both to increase building energy efficiency/ renewables in the private sector and foster sustainable development patterns.

Referred to Programs & Services Committee

- #308-21 Request for discussion on COVID-19 vaccination mandate**
COUNCILORS GENTILE, KALIS, MALAKIE, OLIVER, LAREDO, MARKIEWICZ, NORTON AND WRIGHT requesting a discussion with the Human Resources and Health Departments about instituting a City of Newton policy mandating that all city employees be vaccinated against the COVID-19 virus.
- #309-21 Request for amendment to the Noise Ordinance**
COUNCILORS ALBRIGHT, GREENBERG AND LEARY requesting an amendment to Chapter 20, Sec. 13-22 Noise, to include a section governing vibrations in construction projects.
- #310-21 Appointment of Nancy Kritzman to the Commission on Disability**
HER HONOR THE MAYOR appointing NANCY KRITZMAN, 677 Winchester Street, #423, Newton as a member of the COMMISSION ON DISABILITY for a term to expire on September 20, 2023 (60 Days: 10/08/21).
- #311-21 Appointment of Cynthia Greene to the Human Rights Commission**
HER HONOR THE MAYOR appointing CYNTHIA GREENE, 21 Garden Road, Newton, as a member of the HUMAN RIGHTS COMMISSION for a term to expire on September 30, 2024 (60 Days: 10/08/21).
- #312-21 Appointment of Rakashi Chand to the Human Rights Commission**
HER HONOR THE MAYOR appointing RAKASHI CHAND, 80 Wade Street, Newton, as a member of the HUMAN RIGHTS COMMISSION for a term to expire on September 30, 2024 (60 Days: 10/08/21).
- #313-21 Reappointment of Barbara Lischinsky to the Commission on Disability**
HER HONOR THE MAYOR reappointing BARBARA LISCHINSKY, 1942 Washington Street, #424, Newton, as a member of the COMMISSION ON DISABILITY for a term to expire on July 31, 2024 (60 Days: 10/08/21).
- #314-21 Reappointment of Lakshmi Kadambi to the Commission on Disability**
HER HONOR THE MAYOR reappointing LAKSHMI KADAMBI, 55 Staniford Street, Newton, as a member of the COMMISSION ON DISABILITY for a term to expire on September 30, 2024 (60 Days: 10/08/21).

Referred to Public Facilities Committee

- #315-21** **Appointment of John Synnott to the Designer Selection Committee**
HER HONOR THE MAYOR appointing John Synnott, 22 Winona Street, Auburndale to the Designer Selection Committee for a term of office to expire December 31, 2021. (60 days: 10/08/21)
- #316-21** **Reappointment of Puja Vohra to the Citizens Commission on Energy**
HER HONOR THE MAYOR reappointing Puja Vohra, 130 Day Street, Newton to the Citizens Commission on Energy for a term of office to expire June 15, 2024. (60 days: 10/08/21)
- #317-21** **Request for public way improvements on Grant Avenue**
HER HONOR THE MAYOR requesting public way improvements pursuant to City Ordinance Section 26-51, specifically a pilot/trial of rubber speed cushions on Grant Avenue near Marshall Street between Beacon Street and Commonwealth Avenue

Referred to Finance Committee

- #318-21** **Appointment of David Micley to the Other Post-Employment Benefits Trust Fund**
HER HONOR THE MAYOR appointing David Micley, 90 Mill Street, Newton as a trustee of the Other Post-Employment Benefits Trust Energy for a term of office to expire September 20, 2024. (60 days: 10/08/21)
- #319-21** **Appropriate \$2,262.40 for a floating beach wheelchair at Crystal Lake**
HER HONOR THE MAYOR requesting authorization to appropriate and expend two thousand two hundred sixty-two dollars and forty cents (\$2,262.40) in Commission on Disability (COD) Fine Account funds for the purchase of a floating beach wheelchair for Crystal Lake.

Referred to Zoning & Planning and Finance Committees

- #320-21** **CPC Recommendation to appropriate \$500,000 in CPA funding**
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of five hundred thousand dollars (\$500,000) in Community Preservation Act funds, with \$478,877 to come from the FY22 Community Housing Reserve Fund (Account #58C10498-57900C) and \$21,123 to come the Prior Year Undesignated Fund (Account #5800-3599), to the control of the Planning & Development Department to provide funding to replace roofs, repair and restore damaged siding, and replaced the HVAC systems as part of the Nonantum Village Place Senior Housing Preservation Project.

Referred to Public Facilities and Finance Committees

#321-21

Appropriate \$138,620 for the rehabilitation of the Bullough's Pond Dam

HER HONOR THE MAYOR requesting authorization to appropriate and expend one hundred thirty-eight thousand six hundred and twenty dollars (\$138,620) for the purpose of funding engineering design services for the rehabilitation of the Bullough's Pond Dam.

Referred to Programs & Services and Finance Committees

#281-21

CPC Recommendation to appropriate \$1,440,344 in CPA funding

COMMUNITY PRESERVATION COMMITTEE recommending appropriation of one million four hundred forty thousand three hundred and forty-four dollars (\$1,440,344) in Community Preservation Act funds, with \$288,068.80 to come from the Open Space Prior Year Reserve (Act# 5840-3599) and \$1,152,275.20 to come from the Prior Year Undesignated Fund (Acct# 5800-3599), to the control of the Planning & Development Department for the implementation of the approved and permitted designs for Levingston Cove including the construction of new erosion controls, plantings, accessibility improvements and the installation of new public amenities including new pathways, benches and decks.

Referred to Re-Precincting Committee

#322-21

Requesting discussion and approval of new Ward and Precinct Lines

COUNCILOR GROSSMAN on behalf of the Re-Precincting Committee, recommending 1) discussion and 2) adoption of a proposed revision to the Ward and Precinct lines for the City to respond to the recent federal census and growth of population, both within the city and within the eight wards.

The following items were filed after the close of the docket and requires a suspension of the Rules to be referred to Committee:

Referred to Programs & Services Committee

#323-21

Request to set Early Voting Hours for the September 14 Preliminary Election

ACTING CITY CLERK requesting to set early voting hours for the September 14, 2021 Preliminary Municipal Election at the following dates, location, and times: Newton City Hall, 1000 Commonwealth Avenue, Newton, MA 02459 on Tuesday, September 7, 2021, 8:30 AM to 5:00 PM; Wednesday, September 8, 2021, 8:30 AM to 5:00 PM; Thursday, September 9, 2021, 8:30 AM to 5:00 PM; Friday, September 10, 2021, 8:30 AM to 5:00 PM.

Referred to Zoning & Planning Committee

#325-21

Request for discussion regarding the City's housing stock

COUNCILORS LAREDO, NORTON, OLIVER, WRIGHT, KALIS, LUCAS AND MALAKIE requesting a discussion with the Administration regarding (a) the Administration's current plans and goals for increasing the number and diversity of the housing units in the city, including a breakdown by type of unit and location of developments and (b) improving the use of housing data to inform current and future housing plans and goals.

Referred to Zoning & Planning Committee

#326-21

Appointment of David Weinstein as an alternate member of the Newtonville HDC

HER HONOR THE MAYOR appointing DAVID WEINSTEIN, 132 Cornell Street, Newton, MA. 02462 as an alternate member of the NEWTONVILLE HISTORIC DISTRICT COMMISSION for a term to expire on June 30, 2024. This appointment will substitute his appointment as a full member as approved by the Council on July 12, 2021. (60 Days: 10/08/21).