



## City Council Reports Docket

**REVISED**

10:04 am, Feb 29, 2020

February 19: Public Facilities, Public Safety  
February 24: Zoning & Planning  
February 25: Land Use  
February 26: Programs & Services

**POSTED**  
City Clerk

Page 57

7:45 PM, Newton City Hall

To be reported on

Monday, March 2, 2020

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

#### Unfinished Council Business

##### Referred to Zoning & Planning Committee

#37-20

**Amend ordinances by creating a temporary suspension on landmark designation**

COUNCILORS ALBRIGHT, AUCHINCLOSS, CROSSLEY, DOWNS, KELLEY, LIPOF, GREENBERG, KRINTZMAN, NOEL, LEARY, AND DANBERG proposing an amendment to Chapter 22 of the Revised Ordinances of the City of Newton, 2017 to temporarily suspend nominations made by the Historical Commission and the City Council for landmark designations of any land, buildings and structures in the City of Newton in order to allow the City adequate time to review the landmark ordinance and consider what revisions are appropriate. The temporary suspension will prevent and suspend the processing, and approval of any property currently under consideration for landmark designation and will temporarily suspend future landmark designations made by the Historical Commission and the City Council. Landmark nominations made by the Mayor, Director of Planning of Development and the Commissioner of Inspectional Services shall not be affected. This temporary suspension shall end no later than ~~December 31, 2020~~ June 30, 2020.

**Zoning and Planning Approved as Amended 5-2. (Councilors Baker and Wright opposed); The temporary suspension shall end no later than June 30, 2020 with a condition that an interim report is provided to the Committee within 3 months of the effective date.**

**Motion to Postpone to a Date Certain of March 2, 2020 was Approved Unanimously by Voice Vote**

##### Referred to Land Use Committee

#68-20

**Petition to allow a free-standing sign at 40 Austin Street**

BENLIN PROPERTIES LLC./ROCKLAND BANK petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 19.5 sq. ft. free-standing sign on the property located at 40 Austin Street, Ward 2, Newtonville, on land known as Section 24 Block 09 Lot 12, containing

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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.

approximately 13,420 sq. ft. of land in a district zoned BUSINESS USE 5. Ref: Sec. 7.3.3, 7.4, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 6-0-1 (Councilor Downs abstaining, Councilor Auchincloss not Voting); Public Hearing Closed 02/04/20**

**Voice Vote Unanimously Approves Postponement to March 2, 2020.**

### **Referred to Land Use Committee**

**#69-20**

**Petition to amend Order #284-95 to allow a free-standing sign at 84 Needham Street**  
CREATIVE BOOKFAIR LLC./CHARLOTTE MAYNARD petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #284-95 to allow a new free-standing sign measuring 7'8.5' (h) by 4'0.5" (w) on the property located at 84 Needham Street, Ward 8, containing approximately 63,416 sq. ft. of land in a district zoned MIXED USE 2. Ref: Sec. 7.3.3, 7.4, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 7-0 (Councilor Auchincloss not Voting); Public Hearing Closed 02/04/20**

**Voice Vote Unanimously Approves Postponement to March 2, 2020.**

### **Referred to Land Use Committee**

**#623-18(2)**

**Request for Extension of Time to Exercise Permit #623-18 at 20-22 Circuit Ave**  
ARTHUR KALOTKIN petition for a one-year EXTENSION OF TIME to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL Council Order #623-18 to convert a two-family dwelling into a three-unit multi-family dwelling by converting the existing attic space, allow parking within 5' of residential dwelling units, to waive the minimum aisle width requirements, to waive driveway width, and to waive lighting requirements at 20-22 Circuit Avenue, Ward 5, Newton Highlands, on land known as Section 51 Block 20 Lot 39, containing approximately 12,353 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Said Extension of Time to Run from February 19, 2020 to February 19, 2021. Ref: Sec. 7.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Approved 5-0 (Councilors Downs and Greenberg not voting)**

**Voice Vote Unanimously Approves Postponement to March 2, 2020.**

### **Referred to Land Use Committee**

**#621-18(2)**

**Request for Extension of Time to Exercise Special Permit #621-18 at 105 Temple St**  
SCOTT AND URSULA STEELE petition for a one-year EXTENSION OF TIME to EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL Council Order #621-18 to amend Special Permit Board Orders #62-01 and #62-01(2) to further increase the non-conforming FAR by constructing a 191 sq. ft. addition in the existing footprint of the house, further extending the non-conforming three-story structure at 105 Temple Street, Ward 3, West Newton, on land known as Section 32 Block 12 Lot 8, containing approximately 14,861 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Said Extension of Time to run from February 4, 2020 to February 4, 2021. Ref: Sec. 7.3, 7.4 of Chapter 30 of the City of

Newton Rev Zoning Ord, 2017.

**Land Use Approved 5-0 (Councilors Downs and Greenberg not voting)**

**Voice Vote Unanimously Approves Postponement to March 2, 2020.**

**Referred to Finance Committee**

**#379-19(7)**

**CPC Recommendation to amend funding source for Webster Woods acquisition**

COMMUNITY PRESERVATION COMMITTEE recommending authorization for the City Treasurer to amend the funding source for \$740,000 seven hundred and forty thousand dollars to fund legal and conservation restriction expenses for Webster Woods approved by Council Orders #379-19 (3) and (4) to allow the City to borrow seven hundred and forty thousand dollars (\$740,000) as authorized by G. L. c. 44B, sec. 11, for a period of 30 years, and any expenditures already appropriated from the CPC's Open Space Reserve and Restricted Fund Balance for Open space pursuant to the CPC's original recommendations be reimbursed from the sale of such bonds or notes, and that any premium received upon the sale of such bonds or notes, less any such premium applied to the payment of issuance costs of the bonds or notes shall be deposited in the Community Preservation Fund's restricted fund balance for open space.

**Finance Approved 5-0**

**Voice Vote Unanimously Approves Postponement to March 2, 2020.**

**Referred to Land Use Committee**

Tuesday, February 25, 2020

Present: Councilors Lipof (Chair), Greenberg, Kelley, Markiewicz, Downs, Bowman, Laredo; also present: Councilors Leary, Albright, Krantzman, Wright, Malakie; absent: Councilor Auchincloss

**#26-20  
Zone**

**Request to Rezone Approximately 4.4 acres to MU-3 to Create a Contiguous MU-3**

MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for a change of zone to Mixed Use 3/Transit Oriented District for portions of land located at 355 Grove Street (currently zoned BU-2) and 399 Grove Street (currently zoned BU-5), also identified as Section 42, Block 11, Lots 3, 4, and 4A, abutting the existing MU-3 Zone.

**Land Use Held 7-0; Public Hearing Continued**

**#27-20**

**Petition to allow Mixed Use Transit Oriented Development at Riverside Station**

MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit-oriented development of residential units, office, retail, personal services, restaurant, hotel, and related commercial uses not to exceed 1,025,000 square feet of gross floor area, with residential uses comprising not less than 60% of the total gross floor area with a residential density of not less than 800 square feet per unit with not less than 560 units

nor more than 620 units with special permit relief and/or waivers as follows: as to dimensional standards, a development of more than 20,000 square feet of gross floor area, building height of up to 170 feet, buildings up to 11 stories, Floor Area Ratio of up to 2.5, beneficial open space of not less than 15%, increase of height of certain buildings with the Grove Street Area Corridor (to the extent necessary), and reduction in setback from Grove Street for certain buildings within the Grove Street Corridor Area (to the extent necessary); as to design standards, waiver of the sustainable development design standards and placement of a retaining wall greater than 4 feet in height located in a setback; as to uses, for-profit educational use, retail sales of over 5,000 square feet, restaurant with more than 5,000 square feet of gross floor area, personal service use of over 5,000 square feet, place of amusement, health club on ground floor, animal services, hotel, bank up to and over 5,000 square feet, theatre/hall, laboratory/research facility, parking facility, accessory, multi-level, parking facility, non-accessory, single level; as to parking, reduction of the residential parking requirement to 1.25 stalls per unit, reduction of the overall commercial parking requirement by 1/3, and waiver of parking stalls not to exceed 685 stalls, above and beyond the reductions specified above; as to parking facilities, waivers of the parking stall dimension requirements, the end stall maneuvering space requirements, the driveway entrance and exit requirements, the 5% interior landscaping requirements, the interior planting area requirements, the tree requirements, the bumper overhang requirements, the one-foot candle lighting requirement, the parking stall striping requirements (to the extent necessary), the curbing, wheel stop, guard rail, or bollard requirements, and the number of off-street loading facilities requirements; and as to signage, waiver of the number, size, type, location, and design requirements, all at 355 and 399 GROVE STREET on land known as Section 42, Block 11, Lots 3, 4 and 4A, containing approximately 13.05 acres of land in districts zoned Mixed Use 3 Transit Oriented (MU3), BU2 (a portion to be rezoned to MU3), BU5 (to be rezoned to MU3). Ref: Sec. 4.2.2.B.1, 4.2.2.B.3, 4.2.3, 4.2.4, 4.2.4.A.4, 4.2.4.B.3, 4.2.4.G.2, 4.4.1, 5.1.4, 5.1.4.A, 5.1.4.C, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.D.1, 5.1.8.D.2, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.1.10.B.3, 5.1.10.B.5, 5.1.12, 5.1.12.B.4, 5.1.13, 5.2, 5.2.13, 5.4.2.B, 5.12, 6.4.29.C.5, 7.3.3, 7.3.5, 7.4 of the City of Newton Revised Zoning Ordinance, 2017. Additionally, as to infiltration and inflow mitigation, an abatement of the infiltration/inflow mitigation fee pursuant to Section 29-170 of the City of Newton Revised Zoning Ordinance, 2017.

**Land Use Held 7-0; Public Hearing Continued**

**Referred to Public Safety & Transportation Committee**

Wednesday, February 19, 2020

Present: Councilors Downs (Vice Chair), Malakie, Lipof, Bowman and Markiewicz; absent: Councilors Grossman, Auchincloss and Ciccone

- #105-20**      **Requesting public comment on priorities for transportation planning**  
CHAIR OF PUBLIC SAFETY & TRANSPORTATION COMMITTEE requests public comment on priorities for transportation planning.  
**Public Safety & Transportation voted No Action Necessary 5-0**

**Referred to Zoning & Planning Committee**

Monday, February 24, 2020

Present: Councilors Crossley (Chair), Danberg, Albright, Krintzman, Baker, Ryan, Leary, and Wright; also present: Councilors Laredo, Downs, Malakie, and Kelley

- #31-20**      **Amend zoning ordinance special permit criteria related to energy conservation**  
COUNCILORS CROSSLEY AND ALBRIGHT seeking a review and possible amendments to Section 7.3.3.C.5 of Chapter 30, Newton Zoning Ordinance, to: a) further inform the objectives of reducing energy consumption and limiting use of natural resources, and b) consider reducing the threshold for compliance to apply the requirement to buildings 10,000 sq. ft. and larger.  
**Zoning and Planning Held (part B) 8-0**  
**Zoning and Planning Approved (part A) 8-0; Public Hearing Closed**

- #88-20**      **Discussion and review relative to the draft Zoning Ordinance**  
DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.  
**Zoning and Planning Held 8-0**

- #99-20**      **Referred to Zoning & Planning and Programs & Services Committees**  
HER HONOR THE MAYOR requesting amendments to the City of Newton Ordinances, Chapters 3, 7, 10, 13, 17, 18, 20, 21, 22 and 30 to rename the Department of Parks & Recreation to the Department of Parks, Recreation and Culture.  
**Zoning and Planning No Action Necessary 8-0**

**Referred to Programs & Services Committee**

Wednesday, February 26, 2020

Present: Councilors Krintzman (Chair), Noel, Ryan, Humphrey, Wright, Albright, Baker, Greenberg

- #136-20**      **Appointment of Nicole Banks as Commissioner of Parks, Recreation & Culture**  
HER HONOR THE MAYOR appointing NICOLE BANKS, as COMMISSIONER OF PARKS, RECREATION & CULTURE pursuant to Sec. 3-3 of the City Charter. (30 days: 03/19/20)  
**Programs and Services Approved 8-0**

**#138-20 Requesting amendments to rename the Department of Parks & Recreation**  
 Requesting amendments to the City of Newton Ordinances, Chapters 3, 7, 10, 13, 17, 18, 20, 21, 22 and 30 to rename the Department of Parks & Recreation to the Department of Parks, Recreation and Culture.  
**Programs and Services Approved 8-0**

**#99-20 Referred to Zoning & Planning and Programs & Services Committees**  
HER HONOR THE MAYOR requesting amendments to the City of Newton Ordinances, Chapters 3, 7, 10, 13, 17, 18, 20, 21, 22 and 30 to rename the Department of Parks & Recreation to the Department of Parks, Recreation and Culture.  
**Programs and Services No Action Necessary 7-0 (Councilor Baker not voting)**

**#100-20 Requesting a discussion on the fees in Newton Public Schools**  
COUNCILORS KRINTZMAN AND CROSSLEY, LAREDO, NORTON, GREENBERG, LIPOF, KALIS, NOEL, AND MARKIEWICZ requesting a discussion with appropriate members of the School Department and School Committee about fees in the Newton Public Schools. The discussion should include an explanation of the basis upon which fees are set and how the fees factor into the overall budget request of the schools.  
**Programs and Services No Action Necessary 8-0**

**Referred to Public Facilities Committee**

Wednesday, February 19, 2020

Present: Councilors Leary (Chair), Kelley, Crossley, Norton, Kalis and Gentile; absent: Councilors Danberg and Laredo

**#117-20 Acceptance of a sewer extension and easement on Farwell Street**  
HER HONOR THE MAYOR requesting the acceptance of 40 linear feet of sewer pipe as a public sewer and the acceptance of a 20' x 40' easement in property known as the Farwell Street Subdivision (Ward 3). The developer shall pay all costs associated with the construction of the sewer pipe and the direct connection to the MWRA trunk interceptor sewer line.  
**Public Facilities Held 6-0, Public Hearing Continued**

**#130-20 President's Reappointment of James Purdy to the Energy Commission**  
PRESIDENT ALBRIGHT reappointing James Purdy, 943 Chestnut Street, Newton Upper Falls to the Energy Commission for a term of office to expire December 31, 2023. (60 days: 04/18/20)  
**Public Facilities Approved 6-0**

**#131-20**

**President's Reappointment of Michael Gevelber to the Energy Commission**

PRESIDENT ALBRIGHT reappointing Michael Gevelber, 166 Melrose Street, Auburndale to the Energy Commission for a term of office to expire December 31, 2023. (60 days: 04/18/20)

**Public Facilities Approved 6-0**

**#132-20**

**Mayor's Reappointment of Halina Brown to the Energy Commission**

HER HONOR THE MAYOR reappointing Halina Brown, 56 Cloverdale Road, Newton Highlands to the Energy Commission for a term of office to expire April 15, 2023. (60 days: 04/18/20)

**Public Facilities Approved 6-0**