



City Council Docket

Feb 20: Public Facilities
Feb 25: Zoning & Planning, Finance
Feb 26: Land Use

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Tuesday, February 19, 2019

7:45 PM, Newton City Hall
To be reported on
Tuesday, March 4, 2019

City of Newton In City Council to be Accepted and Referred to Committees

Referred to Land Use Committee

Public Hearing to be reassigned for March 5, 2019

#39-19 Special Permit Petition to allow detached garage at 32 Baldpate Hill Road
MATTHEW AND DINA WOSK petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow the construction of a detached single-car garage where an attached two car garage exists, to allow greater than 700 sq. ft. of garage space and to allow a retaining wall greater than four feet in height in the setback at 32 Baldpate Hill Road, Ward 8, Newton Centre, on land known as Section 82 Block 26 Lot 01, containing approximately 25,225 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.2.B.1, 3.4.3.A.4.a, 3.4.2.B.1, 3.4.3.A.4.c, 5.4.2 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be reassigned for March 5, 2019

#40-19 Special Permit Petition to increase non-conforming FAR at 46 Berwick Road
JONATHAN FLYNN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing garage and replace it with a single-car attached garage, library space and a second story accessory apartment, increasing the non-conforming FAR to .65 where .44 is required and .50 exists at 46 Berwick Road, Ward 6, Newton Centre, on land known as Section 52 Block 16 Lot 14, containing approximately 6,437 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be assigned for March 5, 2019

#68-19 Petition to increase non-conforming height and FAR at 45 Hyde Avenue
CHRIS AND MELISSA KONTARIDIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow construction of a rear addition to the basement, first-floor and second-floor,

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.*

increasing the non-conforming height to 41.56 feet where 41.12' exists and 36' is allowed and increasing the non-conforming FAR to .42 where .36 exists and .33 is allowed at 45 Hyde Avenue, Ward 7, Newton, on land known as Section 72 Block 24 Lot 07, containing approximately 19,603 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Sec. 7.3.3, 7.4, 3.1.9, 7.8.2.C.2, 3.1.3 of the City of Newton Rev Zoning Ord, 2017.

Public Hearing to be assigned for March 5, 2019

#69-19 **Petition to extend non-conforming side setback at 110 Greenlawn Ave**
PHOEBE BELSLEY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing stair and landing at the rear of the structure and construct a new, larger deck and stairs, further extending the existing non-conforming side setback at 110 Greenlawn Avenue, Ward 6, Newton Centre, on land known as Section 64 Block 13 Lot 05, containing approximately 7,475 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Sec. 7.3.3, 7.4, 7.8.2.C.2, 3.1.3 of the City of Newton Rev Zoning Ord, 2017.

Public hearing to be assigned for March 5, 2019

#70-19 **Special Permit to allow Martial Arts Studio at 739 Beacon Street**
SSDS Martial Arts Studio 4, LLC/EQUITY REALTY, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit school in the existing building at 739 Beacon Street, Ward 6, Newton Centre, on land known as Section 61 Block 27 Lot 17, containing approximately 10,498 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.3.14.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public hearing to be assigned for March 5, 2019

#71-19 **Special Permit to allow more than one garage at 106 Sumner Street**
BARRY ELENOR WHITE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-car garage, creating more than 700 sq. ft. of garage space and more than one garage at 106 Sumner Street, Ward 6, Newton Centre, on land known as Section 61 Block 02 Lot 08, containing approximately 21,670 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.2.B.1, 3.4.3.A.4.a, 3.4.2.B.1, 3.4.3.A.4.c of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing to be assigned for March 26, 2019

#564-18(2) **Petition to allow nine-unit multi-family dwelling at 19-31 and 39 Herrick Road**
STUART ROTHMAN/HERRICK ROAD REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 36' three-story nine-unit multi-family dwelling with accessory parking for nine cars, to allow multi-family residential use on the ground level in a BU1 district, to allow a reduction to one parking stall per unit, to waive 18 stalls on the parcel associated with the multi-family dwelling (Lot 7), to allow off-site

parking facilities (Lot 6), to allow parking in the side setback, to allow a reduced minimum aisle width, to waive maneuvering space required of restricted stalls, to allow a retaining wall greater than 4' in a setback, to waive perimeter screening requirements and to waive lighting and surfacing requirements at 39 Herrick Road, Ward 6, on land known as Section 61 Block 36 Lots 6 and 7, in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 5.1.4, 5.1.13, 5.1.6.A, 5.1.6.B, 5.1.8.A, 5.1.8.B.6, 5.1.8.C.2, 5.1.9.A, 5.1.10, 5.4.2, 5.4.2.B of the City of Newton Rev Zoning Ord, 2017.

#41-19(2) Extension of Time to Open Public Hearing for Special Permit at 24-26 Elliot St
CYPRESS TREE MANAGEMENT, INC agrees to an EXTENSION OF TIME to open the public hearing until MARCH 26, 2019 for Special Permit petition #41-19 for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #288-18 to allow retail marijuana sales in conjunction with as the approved RMD (Registered Medical Dispensary), to waive the 25% façade transparency requirement, to waive minimum stall dimensions, to waive minimum aisle width for two-way traffic, to waive perimeter screening requirements, to waive interior landscaping requirements and to waive lighting requirements at 24-26 Elliot Street, Ward 5, Newton Highlands, on land known as Section 51 Block 25 Lot 01, containing approximately 25,320 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, 6.10.3.E.15, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.C.2, 5.1.13, 5.1.9.A, 5.1.9.B, 5.1.10.A, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

#130-17(2) Request for an Extension of Time to Exercise Special Permit at 164 Highland Avenue
ROBERT AND CINDY LAUGHREA petition for an EXTENSION OF TIME to EXERCISE Special Permit Council Order #130-17 for a 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.

Other Communications

#72-19 Newton Upper Falls Area Council's 2018 Annual Report
NEWTON UPPER FALLS AREA COUNCIL submitting their 2018 Annual Report.

#73-19 Eversource lateral crossing in Richardson Street
EVERSOURCE ENERGY petitioning for a grant of location to install and maintain 5'± of conduit in RICHARDSON STREET northerly from Pole 545/3 located approximately 250' west of Centre Street to provide service to a vehicle charging station.

Referred to Zoning & Planning Committee

- #74-19** **Reappointment of Daniel Green to the Conservation Commission**
HER HONOR THE MAYOR reappointing DANIEL C. GREEN, 38 Everett Street, Newton Centre, Newton to the CONSERVATION COMMISSION for a term to expire January 1,2022. (60 days: 3/16/19)

Referred to Programs & Services Committee

- #75-19** **Discussion relative to health effects of third hand smoke on children**
COUNCILORS COTE AND KELLEY requesting a discussion with the Commissioner of Public Health on the issue of third hand smoke exposure in Newton and consideration of the negative health effects that third hand smoke has on children enrolled in Newton's child care programs.
- #76-19** **Home Rule Legislation to amend City Charter**
PROGRAMS & SERVICES COMMITTEE requesting that the City Council seek Home Rule Legislation to amend the City Charter based on a review of the 2019 recommendations of the Charter Subcommittee of the Programs & Services Committee except for those relating to City Council composition and term limits for the Council and the Mayor.
- #77-19** **Discussion and review of the tree ordinance**
COUNCILORS COTE, DOWNS AND NORTON requesting a discussion and review of Section 21-18 of the City of Newton Tree Preservation Ordinance, that exempts certain lots from the requirements of the ordinance.
- #78-19** **Resolution to the federal government to adopt a new nuclear policy**
COUNCILOR LEARY requesting a Resolution to the federal government to freeze plans to spend over a trillion dollars rebuilding the US nuclear arsenal and instead to adopt a new nuclear policy based on the active pursuit of a verifiable, enforceable agreement among nuclear armed states to eliminate their nuclear arsenals.

Referred to Finance Committee

- #79-19** **Mayor's reappointment of Charles Grillo, Jr. as a Constable**
HER HONOR THE MAYOR reappointing CHARLES V. GRILLO, 1011 Washington Street, Newtonville as a Constable for the City of Newton for a term of office to expire January 31, 2022. (60 days: 3/16/19)

The following item was filed after the close of the docket and requires a suspension of the Rules to be referred to Committees:

#80-19 Authorize Administration to apply bond premiums to capital project costs
HIS HONOR THE MAYOR requesting that each prior order of the City Council that authorizes the borrowing of money to pay costs of capital projects is hereby supplemented to provide that, in accordance with Chapter 44, Section 20 of the General Laws, as most recently amended by the Municipal Modernization Act, so-called, the premium received by the City upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

#81-19 Amend 17-23(d) to include fines for overtime parking violations
PUBLIC SAFETY & TRANSPORTATION COMMITTEE requesting amendments to Section 17-23(d) of the City of Newton Ordinance by deleting "other, in any other area where parking is permitted for a limited period of time in excess of the time allowed (Sec. 19-166)" where it appears in Sec. 17-23(d) under the listing for Sec. 19-9 penalty for parking violations, and insert in its place the following

Overtime parking in excess of posted time limits (Sec. 19-181):

- | | |
|--------------------------------------|---------|
| a) metered space | \$15.00 |
| b) non-metered time restricted space | \$15.00 |

Referred to Public Safety & Transportation and Finance Committees

#82-19 Authorize the Director of Planning to set the fees for parking meter spaces
COUNCILORS AUCHINCLOSS, DOWNS, LEARY, KRINTZMAN, RICE, NOEL, DANBERG, GROSSMAN, MARKIEWICZ, CROSSLEY, SCHWARTZ AND THE DIRECTOR OF PLANNING & DEVELOPMENT requesting amendment to Section 19-191. **Parking meter fees.** of the City of Newton Ordinances which sets the specific fees for parking meters be deleted and replaced with the following text: The fees for parking in a parking meter space during the days and hours designated for parking meters will be set by the Director of Planning and Development, in consultation with the Commissioner of Public Works.

The following item was filed after the close of the docket and requires a suspension of the Rules to be referred to Committees:

Referred to Public Facilities and Finance Committees

#83-19 HER HONOR THE MAYOR requesting amendment to Section 17-3 of the City of Newton Ordinances adopting the Federal Communications Commission's presumptively reasonable application fees for wireless attachments and new pole construction and conduct cost studying in the coming months to document the City's time and expenses regarding these applications.