



City Council Actions

In City Council

Monday, May 6, 2019

Present: Councilors Albright, Baker, Brousal-Glaser, Cote, Crossley, Danberg, Downs, Gentile, Greenberg, Grossman, Kalis, Kelley, Krintzman, Lappin, Leary, Lipof, Markiewicz, Noel, Norton, Rice, Schwartz and Laredo

Absent: Councilors Auchincloss and Ciccone

The City Council discussed the following items on Second Call:

Referred to Land Use Committee

#41-19

Petition to amend Council Order #288-18 to allow adult use-sales at 24-26 Elliot St
CYPRESS TREE MANAGEMENT, INC petition 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.

**Land Use Approved 4-0-3 (Schwartz, Kelley, Auchincloss abstaining, Lipof Recused);
Public Hearing Closed 04/30/2019**

Council Approved 18 Yeas, 2 Nays (Councilors Cote and Gentile), 2 Recused (Councilors Lapin & Lipof), 2 Absent (Councilors Auchincloss & Ciccone)

Clerk's Note:

Referred to Land Use Committee

#140-19(4)

Extension of time to open public hearing for Petition #140-19(2)
MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY agrees to an **EXTENSION OF TIME** until JUNE 5, 2019 to open the public hearing on Petition #140-19(2) to construct a mixed use, transit oriented development at 355 and 399 GROVE STREET on land known as Section 42 Block 11 Lots 3 and 4, containing approximately 14.4 acres of land in

districts zoned Mixed Use 3 Transit Oriented (MU3), BU2 (apportion to be rezoned to MU3), BU5 (to be rezoned to MU3).

This item was filed after the close of the docket and a motion to Suspend the Rules to accept and refer to committee was approved by voice vote.

A motion to

Clerk's Note:

Referred to Programs & Services Committee

#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.

Programs & Services Approved as amended 7-0 on March 20, 2019

Item postponed to a date certain of April 16, 2019

Item postponed to date certain of May 6, 2019 by Voice Vote

Motion to substitute the text dated May 3, 2019 was approved by Voice Vote

Motion to amend the text to strike the requirement of Legal Counsel for the Council failed to carry 22 Nays, 2 Absent (Councilors Auchincloss & Ciccone)

Approved 22 Yeas, 2 Absent (Councilors Auchincloss & Ciccone)

Clerk's Note:

The City Council voted without discussion 22 Yeas, 2 Absent (Councilors Auchincloss and Ciccone) to Accept the Committee Recommendations on the following items:

Referred to Land Use Committee

Tuesday, April 30, 2019

#497-18

Petition to allow single-family attached dwellings at 10 Pillion Court

MICHAEL MOSKOWITZ/TEN PILLION, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an attached dwelling unit to the existing single-family structure, reduce lot area, frontage and lot coverage requirements, to reduce front and side setback requirements and to allow a driveway along the side lot line, requiring an amendment to Variance #99442 at 10 Pillion Court, Ward 2, on land known as Section 22 Block 7 Lot 46, containing approximately 10,559 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, of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved Withdrawal without Prejudice 6-0 (Laredo, Kelley not Voting)

Referred to Public Facilities Committee

Wednesday, April 17, 2019

#147-19 Appointment of Tom Enselek to the Design Review Committee

PRESIDENT LAREDO appointing Tom Enselek, 28 Davis Avenue, West Newton, 02465 as a member of the DESIGN REVIEW COMMITTEE for the 687 Watertown Street Project for a term to expire upon completion of the building project.

Public Facilities Approved 7-0

Referred to Public Facilities Committee

Wednesday, May 1, 2019

#146-19 Eversource petition for a Grant of Location in Walnut Street

EVERSOURCE petitioning for a grant of location to install:

- 30' ± of 4" conduit in FOSTER STREET from Pole #37/1 southeasterly thence turning southerly to Walnut Street,
- 156' ± of 4" conduit in WALNUT STREET from the intersection of Foster Street southerly to a proposed manhole
- 21' of "conduit in WALNUT STREET from proposed Manhole #30684 westerly to the property line of 241 Walnut Street.

Public Facilities Approved 6-0 (Danberg, Norton not Voting)

Referred to Finance Committee

Monday, April 22, 2019

#134-19 Non-resident parking permit fee for Newton Highlands Parking District

TRAFFIC COUNCIL CHAIR requesting an amendment to Chapter 17 Section 13(j) of the City of Newton Ordinances to add a non-resident parking permit fee for the new Newton Highlands Parking District.

Finance Approved 8-0

#148-19 Appropriation of \$240,000 for the Rainy Day Stabilization Fund

HER HONOR THE MAYOR requesting authorization to appropriate two hundred forty thousand dollars (\$240,000) from Free Cash to the Rainy Day Stabilization Fund. This appropriation when combined with interest earned throughout FY 2019 on the funds in this account and \$150,000 appropriated in the FY 2020 Mayor's proposed budget will allow the City to begin FY 2020 with a full 5% of the operating budget set aside in reserve.

Finance Approved 8-0

- #117-19** **Ordinance amendment regarding disposing of renewable energy revenue or credits**
COUNCILORS CROSSLEY, LAREDO & GENTILE proposing an ordinance that would require the mayor to seek City Council approval prior to disposing of renewable energy sourced electricity revenue or credits generated on municipal property for non-municipal purposes.
Finance Approved 8-0

Public Hearings were assigned for the following items:

Public Hearing assigned for June 4, 2019

- #140-19(3)** **Zoning amendments for Riverside project**
RIVERSIDE STATION/355 GROVE STREET AND 399 GROVE STREET requesting amendments to Chapter 30, Newton Zoning Ordinance, in Sections 4.2.3 and 4.2.4 relative to the Mixed Use 3 District.

Public hearing assigned for June 11, 2019

- #163-19** **Special Permit Petition to exceed FAR at 18 Upham Street**
BEN AND SIOBHAN CROSBY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition, creating an FAR of .67 where .48 is allowed and .47 exists at 18 Upham Street, Ward 3, West Newton, on land known as Section 33 Block 34 Lot 67, containing approximately 4,884 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref. 7.3.3, 7.4, 3.1.9, 3.1.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

A motion to Suspend the Rules to allow the Chair of the Land Use Committee to assign public hearing dates after the City Council had already voted First Call was Approved by Voice Vote.

The Council voted unanimously to assign the Public Hearing date of June 4, 2019 for the following two items:

Public Hearing assigned for June 4, 2019

- #140-19** **Request to Rezone 4.5 acres to MU3**
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 and 4.

Public Hearing assigned for June 4, 2019

- #140-19(2)** **Special Permit to allow Mixed Use 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 10 building, mixed use, transit-oriented development of not more than 1,520,000 sq. ft. and more than 20,000 sq. ft. of gross floor area including; up to 650,000 sq. ft. of office use, up to 750 residential units containing no more than 750,000 sq. ft., retail space of not more than 200,000 sq. ft., buildings up to 18-stories in height, building height of up to 230', Floor Area Ratio up to 2.7, no more than 10% beneficial open space; to permit retail and personal establishments of more than 5,000 sq. ft., for-profit educational uses, restaurants with more than 50 seats, places of amusement, open air businesses, animal services, ground floor health club establishments, hotel, banks up to and over 5,000 square feet, theatre/hall, laboratory/research facility, multi-level accessory parking facility, multi-level non-accessory parking facility, single level accessory parking facility, single level non-accessory parking facility, reduction of the residential parking requirement to 1.25 stalls per unit, reduction of the overall commercial parking requirement by 1/3, a waiver of parking stalls not to exceed 750 stalls, waivers to parking facility design standards including: stall dimensions, minimum depth for handicap parking stalls, maneuvering space for end stalls, dimensions for entrance and exit driveways, waiver of layout design to permit tandem parking stalls, waiver of 5% interior landscaping requirement, waiver of the interior planting area requirements, waiver of the tree requirements, waiver of the bumper overhang requirements, waiver of the one foot candle lighting, waiver of the parking stall striping requirement, waiver of the curbing, wheel stop, guard rail or bollard requirements, waiver of off-street loading facilities requirements, waiver of the number, size location or design requirements relative to signs at 355 and 399 GROVE STREET on land known as Section 42 Block 11 Lots 3 and 4, containing approximately 14.4 acres of land in a districts zoned Mixed Use 3 Transit Oriented (MU3), BU2 (a portion to be rezoned to MU3), BU5 (to be rezoned to MU3). Ref: Sec. 7.3.3, 7.4, 4.2.2A.2, 4.2.2.B.1, 4.2.2.B.3, 4.2.2.B.3, 4.2.3, 4.2.4.A, 4.2.4.F.b, 4.2.4.F.1.b, 4.2.4.G, 4.2.4.G.1, 4.2.4.G.2, 4.2.4.G.3, 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, 5.1.8.E.1, 5.1.9.B, 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, 5.1.13, 5.2, 5.2.13, 5.4.2.B, of the City of Newton Revised Zoning Ord, 2017. **Subject to approval of proposed zoning ordinance amendments in Sections 4.2.3 and 4.2.4.**

The City Council voted without discussion 21 Yeas, 2 Absent (Councilors Auchincloss and Ciccone), 1 Recused (Councilor Downs) to Accept the Committee Recommendation on the following item:

Referred to Committee of the Whole

#541-18(2) Proposed Water, Sewer and Stormwater Rates

HER HONOR THE MAYOR submitting recommended Fiscal Year (FY) 2020 Water/Sewer/Storm Water Rates for implementation on July 1, 2019, as follows:

FY 2020 Tiers & Rates for Water and Sewer

<u>HCF Per Quarter</u>	<u>Water Rate Per HCF</u>	<u>Sewer Rate Per HCF</u>
0-10	\$6.72	\$10.70
11-25	\$7.75	\$12.52
26-60	\$8.90	\$13.45
>60	\$11.10	\$15.47
Irrigation	\$12.25	n/a

Note: The FY20 stormwater rates were approved by the City Council on 03/04/19

A motion to suspend the rules to allow the Chair of the Finance Committee to report out the item which was taken up earlier in the evening in a Committee of the Whole without a written report was Approved by Voice Vote

Voice Vote Approves Unanimously

